

APPENDIX TO REPORT TO EXECUTIVE BOARD 25TH JANUARY 2007

Standard Report for Each Merseyside District for Committee Approvals for Waste Development Plan Document Issues and Options Report

Joint Waste Development Plan Document for Halton Council, Knowsley Council, Liverpool City Council, St Helens Council, Sefton Council and Wirral Council

MERSEYSIDE WASTE DEVELOPMENT PLAN DOCUMENT

Issues and Options Report for Public Consultation

1. Purpose of the Report

- 1.1 To inform x District on progress with the Merseyside joint Waste Development Plan Document.
- 1.2 To seek approval from x District for the Issues and Options report to enter a 6 week external consultation period commencing 23 February 2007 and ending 6 April 2007.
- 1.3 To set out the next stages and key milestones in the Waste DPD project.

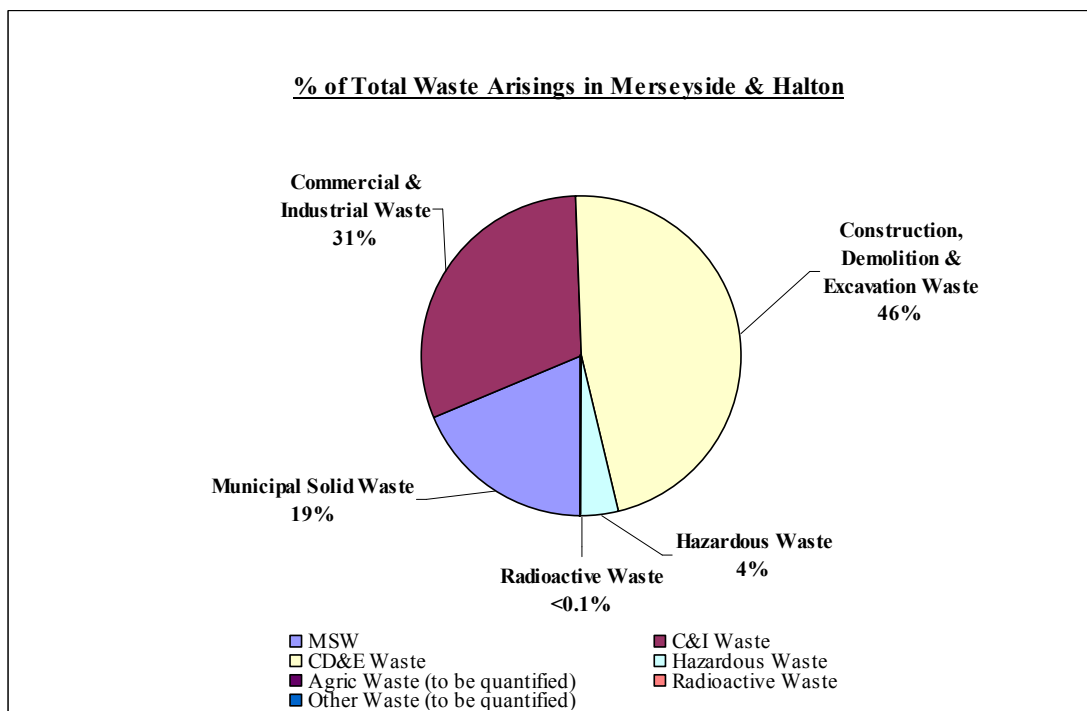
2. Recommendations

- 2.1 It is recommended that x Council:
 - (i) Approve the Issues and Options Report for public consultation commencing 23 February 2007.
 - (ii) Prepare a consultation response to the Issues and Options Report by 6 April 2007.
 - (iii) Agree to receive further reports on progress of the Waste DPD project including the results of the consultation on Issues and Options, Preferred Options report and financial matters later in 2007.

3. Background

- 3.1 The Full Council's of Knowsley, Sefton, St. Helens and Wirral resolved to formally enter into the process of preparing a Joint Development Planning Document (Waste DPD) during 2005. Liverpool's Full Council resolution came early in 2006. The Full Council resolutions provided the necessary legal and financial basis to enable commencement of joint working to prepare the Waste DPD.
- 3.2 On 18 October 2006 Halton Council indicated its intention to also join the Waste DPD and has received Full Council approval. As the fundamental legal basis for the Waste DPD changed from five to six Districts and to comply with the procedural requirements of the appropriate legislation, a further iteration of Full Council approvals was required to amend each District's Local Development Schemes. This was successfully concluded on 7 December 2006 .
- 3.3 Merseyside Leaders and Chief Executives have also received progress reports and presentations on the Waste DPD including:
- Chief Executives of 15th December 2004.
 - MCC Report of 25th May 2005.
 - Waste Summit Report 25th November 2005.
 - Leaders and Chief Executives 26th June 2006.
 - Leaders, MPS and Chief Executives, 27 October 2006.
- 3.4 The Waste DPD will put in place a planning policy framework and identify sites for waste management facilities for all types of waste across Merseyside until 2025. This is necessary to comply with the Planning and Compulsory Purchase Act (2004) and Government policy (Planning Policy Statement 10 - 'Planning for Sustainable Waste Management') and the National Waste Strategy. Government policy clearly identifies that facilities for waste management are of such strategic importance to require planning at the sub-regional (Merseyside) level and that the scale of the challenge and investment needed requires a long term approach.
- 3.5 The Waste DPD will put in place the statutory development plan and policy framework within which planning decisions can be taken by each of the Merseyside Districts for waste management proposals for all waste streams. In taking a long-term approach from 2010 to 2025 the Waste DPD will have substantial benefits for the private sector in reducing planning risk and uncertainty. It will facilitate the delivery of sustainable waste management across Merseyside thereby helping to reduce the financial costs and penalties of non-compliance with European and Government targets. It will also ensure that waste facilities are located in the most appropriate places by taking full account of the social, human, environmental and economic constraints during the plan preparation process.

3.6 The Waste DPD covers all types of waste arising within Merseyside as well as those waste streams that are being transported into and out of Merseyside. Taking account of waste arisings in Halton municipal solid waste, whilst significant, accounts for approximately 19% of the total tonnage of waste produced across Merseyside. Both commercial and industrial waste and, construction, demolition and excavation waste streams are more significant waste streams in terms of tonnage. Members should note that the most immediate and significant financial imperative to reduce landfill remains that of municipal solid waste. However, the costs, risks and urgency of planning for sustainable waste management action for all waste streams are increasing. Figure 1 below summarises this position.



3.7 Adopting a joint Merseyside approach will reduce many of the risks to individual Waste Planning Authorities in terms of planning risk and risk of speculative applications. Members should note that the risks associated with the delay or failure to develop a Waste DPD is substantial. There is a high risk of enormous additional costs for Merseyside as a consequence of financial penalties for non-compliance with the Regulations. The cost of preparing the Waste DPD in comparison is minimal whilst the benefits of an agreed planning framework within which each District can determine planning applications is substantial.

3.8 As part of the Waste DPD a “project risk register” is being maintained. This ensures that significant risks to the project and the Districts are identified early and appropriate risk management action put in place. Some of the most significant risks include:

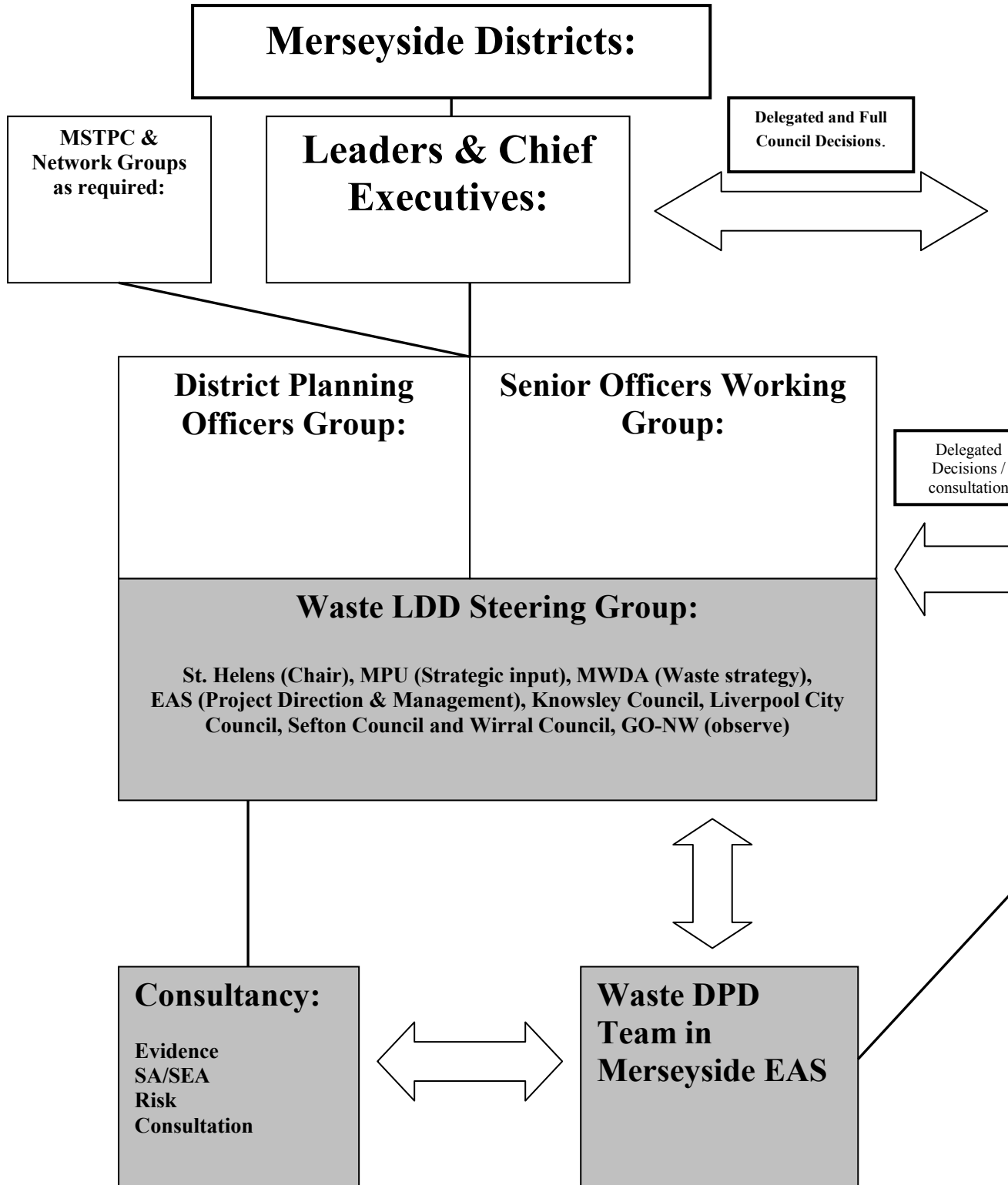
- Failure to identify appropriate sites and difficulty in obtaining planning permission including planning delays, uncertainty for industry investment decisions and additional inquiry costs.
- Failure for Merseyside to reach its statutory recycling, landfill diversion, waste management targets with substantial financial penalties.
- Failure to meet the requirements of the new planning system.
- Failure to contribute to the North West Regional Waste Strategy.
- Failure to comply with the North West Regional Spatial Strategy and Government Policy Statements.

4. Governance

- 4.1 Governance arrangements for the Waste DPD project were agreed in each of the Full Council resolutions. The governance structure was supported by Merseyside Leaders and Chief Executive agreement on 27 May 2005 with subsequent progress reported on 25 November 2005 and 27 October 2006.
- 4.2 The Governance structure is summarised in Figure 2 on the next page. In summary it reinforces the principles that:
- Each District retains executive decision making for acceptance, approval and adoption of the Waste DPD.
 - Officers of the Districts through the Waste DPD Steering Group manage and support the waste DPD process.
 - Both District Planning Officers Group and Senior Officers Working Group oversee and inform that Waste DPD development process.
 - Merseyside EAS with appropriate consultancy commissions manage the preparation of the Waste DPD on behalf of the Merseyside Districts.
- 4.3 Members should note that the Waste DPD will need to be owned, adopted and implemented by each District. This is why there has been considerable officer involvement in its preparation and why it is essential that the Issues and Options report is approved for public consultation by all the six Districts.
- 4.4 The Waste DPD Steering Group's role in the plan preparation process is to co-ordinate, quality assure, critically review and manage the plan production process. The Waste DPD Steering Group has been closely involved in the development of this Issues and Options Report with opportunity to comment on three internal drafts of the report.
- 4.5 Members should note that the Waste DPD project can only move forward as quickly as the slowest moving District because progression to the next milestone in plan production is dependant on all six District approvals processes. Each District representative on the Steering Group is also responsible for facilitating the approvals process and keep the project

on-track. To support this process Merseyside EAS has provided consistent wording for inclusion within this Committee Report.

Figure 2 – Waste DPD Governance Arrangements



5. Portfolio of Documents Supporting the Waste DPD Issues and Options Report

- 5.1 To comply with National and European legislation, the Waste DPD Issues and Options Report is required to be supported by the following documentation:
- The Issues and Options report itself.
 - Technical appendices to the Issues and Options report including evidence base and baseline information (available for inspection in Committee Rooms).
 - Sustainability Appraisal commentary report which is supported by the Sustainability Appraisal Scoping Report, review of Plans and Projects, Baseline Review and Sustainability Appraisal Framework.
 - Appropriate Assessment screening report.
 - Statements of pre consultation to comply with each of the Districts Statements of Community Involvement and the requirement for front loading the plan preparation process.
- 5.2 The Planning and Compulsory Purchase Act (2004) requires that development plan documents should be supported by an appropriate evidence base. For the purposes of the Waste DPD it is necessary that the policy development process is supported by an appropriately comprehensive and up-to-date evidence base. This currently includes the results of a broad site search and initial needs assessment both completed in 2005 as well as further evidence gathering including municipal solid waste arisings.
- 5.3 Where data gaps have been identified, as is the case with a variety of waste streams, notably commercial and industrial waste and construction, demolition and excavation waste, practical measures are being put in place to fill these gaps during the preparation of the Waste DPD. This additional information will be available and will inform the development of Preferred Options during 2007.
- 5.4 Members should note that the Sustainability Appraisal is an iterative process and the various reports have been produced with the objective of informing and improving the sustainable development performance of the Issues and Options presented. As required by the SEA Directive and Government Guidance, the Sustainability Appraisal Scoping Report was the subject of statutory consultation with Natural England, Environment Agency and English Heritage between 8 December 2006 and 18 January 2007. Members have already given approval for changes to the sustainability appraisal process as a consequence of this consultation to be delegated to x officer.
- 5.5 The Sustainability Appraisal Process has been undertaken by consultants under the management of Merseyside EAS. Two specific outputs have been prepared:

- The Sustainability Appraisal Scoping Report comprising the Baseline Context Review, Review of Policies, Plans and Programmes and the Sustainability Appraisal Framework including objectives, indicators and targets. Two stakeholder events have already been delivered to support the Scoping Report.
- Sustainability Appraisal Commentary which is an informal document which has been prepared by the consultants. The development of this informal document is an iterative process as it tests the Issues and Options against the Sustainability Appraisal Objectives and recommends how subsequent stages of the Waste DPD preparation process could improve the performance of policies against the sustainability objectives.

5.6 Appropriate Assessment of development plan documents is a relatively new statutory requirement following a recent European Court of Justice ruling against the British Government on the implementation of the Habitats Directive 1994 (as amended). It requires that the impact of the different stages of preparing a development plan document, such as the Waste DPD, should be tested against the conservation objectives of the Natura 2000 network of sites. The Nature 2000 network includes terrestrial, coastal and marine Special Areas of Conservation and Special Protection Areas.

5.7 The initial screening stages of the Appropriate Assessment is being carried out in readiness for the external consultation to support the Waste DPD Issues and Options Report to ensure that any significant adverse effects on Natura 2000 sites are identified, avoided and/or appropriately mitigated. It should be noted that due to the strategic and geographically non specific nature of the Issues and Options that it is extremely unlikely to identify any significant effects with any certainty. This is why the iterative Appropriate Assessment process will continue to be applied throughout the preparation of the Waste DPD as the geographic focus and effect of policy becomes more certain. Members should note that failure to comply with the Habitats Regulations could leave the Waste DPD open to legal challenge.

5.8 The Planning and Compulsory Purchase Act requires that the Waste DPD complies with all of the six Merseyside Districts' Statement of Community Involvement as a minimum requirement. Failure to do so could leave the Waste DPD process open to challenge at Examination in Public or Judicial Review. Compliance with each Statement of Community Involvement is a key test of soundness that will be subject to examination. Compliance therefore sets the minimum standards for consultation which has been developed according to the needs and appropriate level of engagement of the Waste DPD as a strategic planning framework.

5.9 Wide stakeholder engagement has therefore been undertaken to comply with the requirements of each District's Statement of Community Involvement and the sustainability appraisal. This has involved

considerable “front loading” of consultation. For example Merseyside EAS has made presentations to a wide variety of groups within each District including Parish Councils, Sustainability Appraisal Panels, Chambers of Commerce and Local Strategic Partnerships. Various letters have been sent out and presentations scheduled including LSP Groups, Parish Councils, private sector interests and sustainability appraisal panels.

5.10 These consultation processes will continue to be developed throughout the preparation of the Waste DPD including the public consultation on Issues and Options in accordance with the minimum standards set out within each District Statements of Community Involvement (SCI). Officers from the Districts are providing valuable assistance with the clarification of consultation requirements.

6. Waste DPD Issues and Options Report

6.1 The Issues and Options Report is the first formal public consultation stage in the preparation of the Waste DPD. It is therefore the first significant test of the efficacy of the joint plan preparation process. Members should note that this is the first time across Merseyside that all six Districts have formally collaborated in the preparation of the joint land-use development plan. The complexity of joint working under the requirements of the new planning system is extremely demanding. It should also be noted that Merseyside is at the vanguard of this type of joint working being substantially ahead of similar initiatives in Greater Manchester and North London.

6.2 The Issues and Options Report is separated into 6 sections:

- Section 1: Introduction
- Section 2: Background to the Waste DPD
- Section 3: Aims and Objectives of the Waste DPD
- Section 4: Current Planning Applications
- Section 5: Issues and Options
- Section 6: Appendices (available on request or via the website)

Aims

6.3 The Waste DPD has four aims:

- To reduce the amount of waste generated and move waste management away from landfill disposal.
- To encourage the people and business communities of Merseyside to take responsibility for their own waste by sufficient and timely provision of waste management facilities that meet the needs of the community and reduce the need for waste to travel unnecessary distances for disposal.
- To minimise any negative impacts from waste management on the people and communities and environment of Merseyside.

- To act as a catalyst for creating wealth and employment opportunities through the transformation of waste to resources.
- 6.4 The aims of the Waste DPD along with the spatial planning objectives are sufficiently strategic to be widely acceptable. They also comply with the requirements of Government policy statements.

Spatial Planning Objectives

6.5 The spatial planning objectives for the Waste DPD cover the following areas:

- To plan for sufficient waste management facilities to accommodate the sub-regional apportionment of waste arisings for the Joint Waste DPD area until 2025.
- To encourage waste management facilities which increase re-use, recycling and value/energy recovery of all waste types, including through the use of new waste management technologies where appropriate, and minimise final disposal, in order to meet national and regional and Merseyside waste targets.
- To promote waste minimisation initiatives and optimise re-use and recycling of waste materials as aggregates for both waste specific and non-waste planning applications.
- To raise awareness in sustainable waste management amongst the people and business communities of Merseyside.
- To minimise the adverse effects of waste management development (including transportation) on local amenity, and the natural environment of Merseyside.
- To promote high quality development for waste management facilities.
- To promote transformation of waste to resource to encourage economic, environmental and employment gain from sustainable waste management.

Early Planning Applications

6.6 Planning applications for new waste facilities will inevitably come forward between now and when the Waste DPD is adopted. These planning applications will be determined in the usual manner by each of the Merseyside Planning Authorities according to their adopted Unitary Development Plan. Due account will need to be taken of more up-to-date planning policy guidance or planning policy statements such as PPS10. Care will need to be exercised in communicating the differences between the Waste DPD plan preparation process which is a separate from any consultations associated with proposals to build new facilities.

6.7 An Interim Position Statement for Waste Planning was produced in April 2006. A copy of this can be found in the Appendix 6 of the Issues and Options Report. Though this has no material weight in planning terms, it does outline how waste management applications will be dealt with by each of the Merseyside Districts in the interim period. It also provides information relating to applications accompanied by Environmental

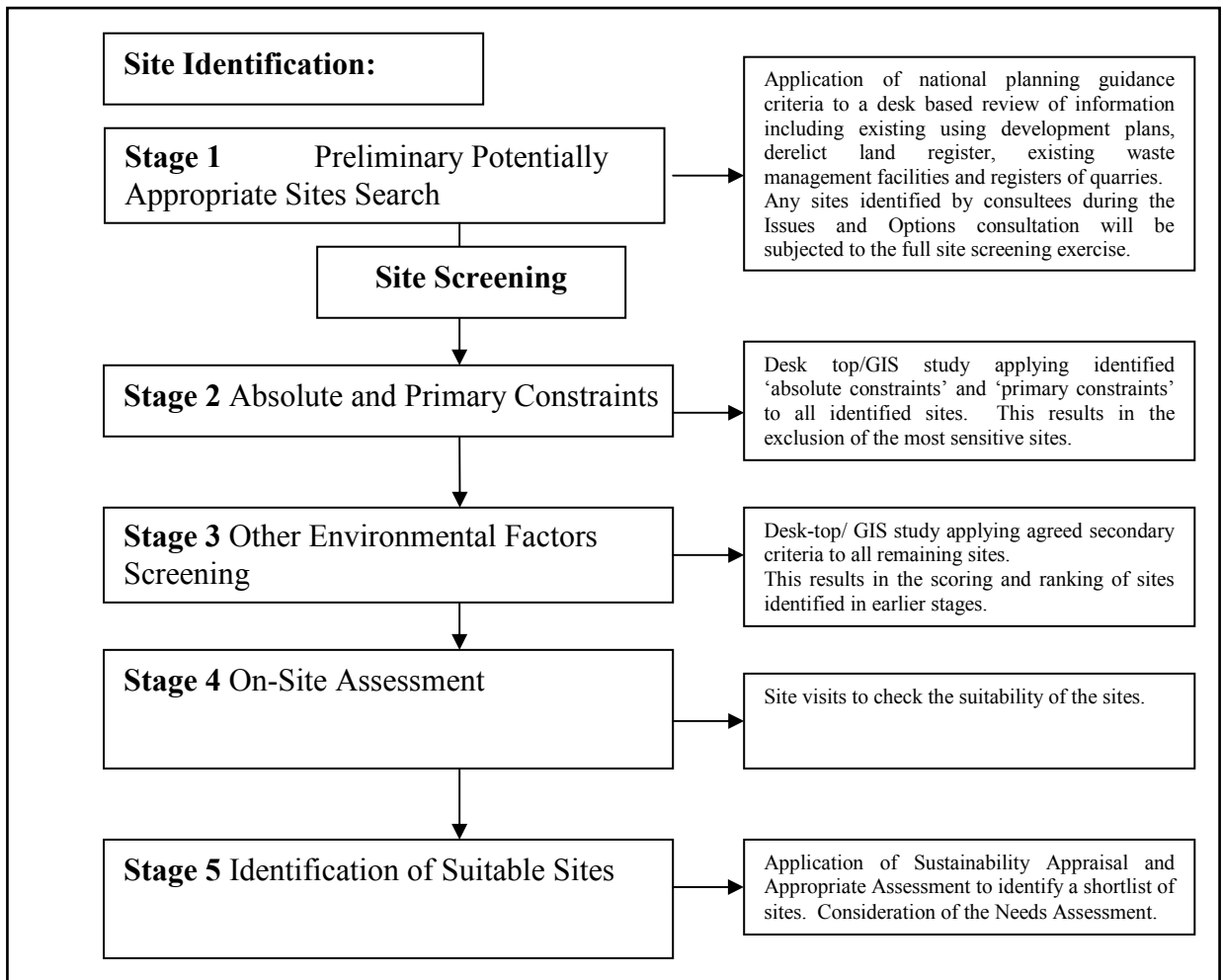
Impact Assessments and how each of the Merseyside Districts intends to deal with early planning applications in a timely and consistent manner.

Issues and Options

- 6.8 The Issues and Options Report asks specific consultation questions. The primary purpose of the consultation questions is to structure the consultation process and guide the development of more detailed and specific policies at Preferred Options and Submission stages. The Issues and Options Report including the on-line submission option (the consultation document will be available from the Waste DPD website, www.wasteplanningmerseyside.gov.uk) aims to make it easier for consultees to submit representations thereby complying with the community engagement principles of the new planning system.
- 6.9 Comments are invited on the consultation questions and proposed options. These comments will then be carefully considered and feed into the development of the Preferred Options report which will be released for further public consultation during October 2007.
- 6.10 It should be stressed that at the current time no decisions have been taken as to how to tackle any of the issues outlined. The Issues and Options consultation is an early opportunity to help influence the ways in which Merseyside's waste is managed into the future and work towards achieving a more sustainable approach to waste management.
- 6.11 The Issues and Options Report identifies 9 broad issues which cover the following matters:
- Issue 1 – waste minimisation and the need to reduce the amount of all types of waste generated in the first place.
 - Issue 2 – self sufficiency and the need to consider how much of which type of waste is managed within Merseyside, how much waste is exported and imported.
 - Issue 3 – sites for new waste management facilities, importantly the consultation document will be seeking feedback on the method to be applied to identify sites.
 - Issue 4 – spatial pattern / distribution of facilities to serve local communities, including consideration of location matters and the proximity principle.
 - Issue 5 – waste management treatment and disposal options and the need to consider what is the best balance of facilities and technologies to treat Merseyside's waste.
 - Issue 6 – hazardous waste management and how Merseyside should contribute towards the management of hazardous waste across the region.
 - Issue 7 – transport of waste.
 - Issue 8 – layout and design of new development to support the principles of sustainable waste management.
 - Issue 9 – criteria based development control policies to manage planning applications on sites not allocated for waste use.

- 6.12 During the public consultation on the Issues and Options Report, the Merseyside Districts are specifically asked to provide detailed comments on Issues 1 – 9. Issues 2 and 3 may be of particular interest to Members as they discuss the options for two high priority matters. Firstly there is the issue of sub-regional self sufficiency. Secondly the method to identify potential sites to locate new waste management facilities and infrastructure, (the process is summarised in Figure 3 below).
- 6.13 For the sake of clarity, it is important to stress that this report is seeking member approval, as required by each Districts decision-making processes, for the Issues and Options Report to enter the public domain as a consultation document. x Council will have opportunity to comment on the technical content of the Issues and Options Report during the public consultation period and a further Committee report will be prepared in due course with the Council's formal position on the Issues and Options.
- 6.14 The consultation period will last for six weeks until 6 April 2007 after which a "Results of Consultation Report" will be prepared along with the policy response to the issues raised. This will be accompanied by the required sustainability appraisal commentary.

Figure 3 – Summary of Site Identification process.



7. Future Stages in the Development of Waste DPD

7.1 The stages in the development of the Waste DPD are determined by the requirements of the Planning and Compulsory Purchase Act. The public consultation on the Issues and Options Report is the first formal milestone in a lengthy process (see Figure 4 over the page). The Issues and Options consultation will be informed by a series of stakeholder events whose details are yet to be finalised but will:

- Comply with each of the Merseyside District Statements of Community Involvement.
- Provide opportunity for targeted stakeholder group engagement including the waste management, recycling and reprocessing industry.

7.2 The results of the public consultation, including the responses from each of the six Merseyside Districts, will be considered and documented into a Results of Consultation Report. This will provide the necessary evidence trail of the consultation responses received and how they have been considered and used to inform the further development of the Waste DPD. Members will be provided with opportunity to comment on the Results of Consultation Report during 2007.

7.3 In addition to the Issues and Options consultation, the next formal stage in plan preparation, Preferred Options, will be informed by:

- Sustainability Appraisal commentary.
- Results of evidence gathering.
- Additional stakeholder engagement following publication of the Results of Consultation Report.
- Results of the application of the criteria based screening method to identify potential preferred sites.

7.4 The Preferred Options report is planned for public consultation in November 2007. This key milestone in the Waste DPD process will be supported by the Sustainability Appraisal Report, Appropriate Assessment and Technical Appendices including results of site search and needs assessment.

Figure 4 – Waste DPD production process and milestones.

