To approve the next stage of the Minerals & Waste Development Framework preparation; recommendation to County Council to approve the Publication and subsequent Submission of the Waste Core Strategy

<table>
<thead>
<tr>
<th>Cabinet Date</th>
<th>18th November 2010</th>
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</thead>
<tbody>
<tr>
<td>Planning, Regeneration &amp; Communities</td>
<td>Lead Cabinet Member – Cllr Charles Fellows</td>
</tr>
<tr>
<td>Key Decision</td>
<td>Yes</td>
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</tbody>
</table>
| Background Documents | Town and Country Planning (Local Development) (England) Regulations 2004 and (Amendment) Regulations 2008  
                        Gloucestershire Minerals and Waste Development Scheme (July 2010)  
                        Waste Core Strategy Issues and Options papers (July 2006)  
                        Waste Core Strategy Preferred Options papers (January 2008)  
                        Waste Core Strategy Site Options consultation (October 2009)  
                        Various Sustainability Appraisal, Technical Evidence and stakeholder response reports to each stage of strategy preparation (available on the web page) |
| Main Consultees      | Participants in the Minerals and Waste Development Framework (MWDF) preparation process, statutory consultees and any other parties with an interest in the MWDF |
| Planned Dates        | Contained within the Report |
| Divisional Councillor| All                  |
| Officer              | Kevin Phillips, Minerals and Waste Policy Manager.  
                        Tel: (01452) 427979. E-mail kevin.phillips@gloucestershire.gov.uk  
                        Nigel Riglar, Director - Environment. Tel: (01452) 425527. E-mail: nigel.riglar@gloucestershire.gov.uk |
| Purpose of Report    | To progress the County Council’s statutory responsibility to produce a Waste Core Strategy and for Cabinet to seek County Council approval of the Waste Core Strategy for formal Publication and subsequent Submission. |
| Recommendations      | That the Cabinet recommends to County Council to:-  
                        A. Approve the Waste Core Strategy (WCS) attached at Appendix 1;  
                        B. Authorise the Director: Environment to publish the WCS in accordance with the provisions set out in paragraphs 4.1-4.3 of the report and the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, and any subsequent amendment or replacement to such regulations;  
                        C. Authorise the Director: Environment to consider any representations received during the publication stage (referred to in paragraph 4.2 of the report) and having regard to those representations to:  
                        C.1 Submit the WCS to the Secretary of State in the form set out in the Appendix 1 or with minor non material changes;  
                        C.2 Consider any proposed material changes to the WCS and:  
                        C.2.1 Where appropriate, undertake further preparatory work, |
including stakeholder engagement before Submission of the WCS to the Secretary of State;
C.2.2 Submit the WCS with appropriate material changes to the Secretary of State, after consultation with the Cabinet Member for Economy & Environment and if necessary a further Council decision.
D. Authorise the Director: Environment to appoint Officers and other appropriate experts to appear and give evidence at the Examination in Public on behalf of the County Council.

| Resource Implications | The Waste Core Strategy is an important part of the process of identifying the policy framework for waste planning in Gloucestershire and therefore has significant resource implications for the County Council as Waste Planning Authority (WPA). |
1. Background

1.1 Gloucestershire has a major waste management challenge that needs to be solved. Whilst all waste presents a challenge, a particularly pressing issue is household waste. The target for Gloucestershire is to recycle and compost 60% of our household waste by 2020. However, even if this can be achieved there will still be around 150,000 tonnes of leftover (residual) household waste to deal with each year. In addition to municipal waste there is a need to divert between 143,000 – 193,000 tonnes of commercial and Industrial (C & I) waste each year from landfill. Dumping all this waste into the ground through landfill is not an option; and a more sustainable alternative is required and this means identifying land to build new facilities for waste treatment rather than disposal.

1.2 Under the Planning and Compulsory Purchase Act the County Council has a statutory responsibility for the preparation of the Minerals and Waste Development Framework. One of the main tasks for the Waste Planning Authority (WPA) is the preparation of a new Waste Core Strategy (WCS). This will replace the majority of the existing Waste Local Plan (2004) and provide the framework against which planning and other waste-related decisions will be made in the period 2012 - 2027. The WCS will address a broad range of issues including how to minimise waste, increase recycling and composting, treat residual waste as well as allocating sites for these purposes.

2. The Plan Preparation process so far

2.1 Evidence gathering and research began on the Waste Core Strategy (WCS) in 2005 which was used to develop the early stages of the WCS including the consultation on ‘Issues and Options’ in 2006. Responses from stakeholders was summarised and published in 2007 and used as evidence in the preparation of the next stage of the WCS.

2.2 The consultation on the Preferred Options document in 2008 was the second step in preparing a WCS for Gloucestershire. It was not site specific, but identified the preferred options for broad locations for strategic waste facilities in Gloucestershire. However, following the consideration of the consultation responses the Plan preparation programme was altered. In particular, the Government Office for the South West (GOSW) provided strong advice that the WCS should seek to identify strategic waste sites. This was in anticipation of the new Government Policy published in June 2008.

2.3 Subsequently consultation on options for strategic site allocations to be included in the WCS was undertaken place between October –November 2009. The focus of the WCS site options was on the identification of ‘strategic’ waste sites. These were defined as sites that are at least 2 hectares (ha) in area and are able to handle a throughput of at least 50,000 tonnes of waste per year. In order to fulfill forecast capacity requirements, the site (or if necessary, combination of sites) would have to handle around 150,000 tonnes of residual municipal waste a year but could also be suitable for C& I waste management facilities. All the sites have to be suitable in planning terms and they have to be deliverable e.g. the landowner needs to be willing to have a waste use on the site. Gloucestershire currently has recycling and composting
facilities but it has no facilities to deal with the residual waste that is left over after recyclable and compostable materials have been removed.

2.4 From that process 13 site options were consulted upon, 10 towards the central area of the County near to Gloucester and Cheltenham while 3 other sites were located more widely. The Council wrote to over 2,000 residential and business properties within 250 meters of each of these sites. In addition a further 1200 stakeholders were consulted from the ongoing public participation database. This includes statutory undertakers, districts and parishes. The consultation was widely publicized alongside media coverage, including 11 road shows held at venues near to the site options.

2.5 From this consultation 457 representations were received from 437 different individuals and organizations. A report summarizing the responses made to the site options consultation is a supporting document to the WCS. Headline issue from this included:
- There were comments both for and against locating sites near Gloucester and Cheltenham;
- That all the sites received responses both for and against future allocation;
- Not all the sites received specific support from the waste industry;
- Other issues of deliverability were raised on some of the sites.

2.6 The WCS has been prepared subsequently by compiling all the previous stages of public participation, consultation and public involvement including the strategic site options consultation which is supported by the technical evidence base which will accompany the WCS on the Council web pages.

3. Waste Core Strategy Publication

3.1 For ease of reference the WCS is divided into 6 sections as is attached as an appendix to this report. The summary contents are contained in the Executive Summary along with the WCS is also contained in appendix 1.

3.2 Section 4 is central as it sets out the strategy for how many new waste facilities are needed, where they will be built, who will provide them and how. The strategy is aligned with the five strategic objectives:
- Reduction
- Re-Use, Recycling and Composting
- Other Recovery (including Energy Recovery)
- Disposal
- Minimising Impact

3.3 The following 14 Core Policies are included under these five headings:
- Core Policy WCS1 – Waste Reduction
- Core Policy WCS2 – Recycling & Composting (including Bulking and Transfer)
- Core Policy WCS3 – Inert Waste Recycling & Recovery
- Core Policy WCS4 – Other Recovery (including Energy Recovery)
- Core Policy WCS5 – Waste Water
- Core Policy WCS6 – Hazardous Waste
- Core Policy WCS7 – Cumulative Impact
• Core Policy WCS8 – Safeguarding Sites for Waste Management
• Core Policy WCS9 – Flood Risk
• Core Policy WCS10 – Green Belt
• Core Policy WCS11 – Areas of Outstanding Natural Beauty
• Core Policy WCS12 – Nature Conservation (Biodiversity & Geodiversity)
• Core Policy WCS13 – Design
• Core Policy WCS14 – Sustainable Transport

Where are the Sites?

3.4 The sites include locational information, environmental considerations and key development criteria which would need to be considered for any proposals which might come forward. It should be noted that all 4 allocations involve the use of land allocated within the Waste Local Plan (2004) therefore some previous consideration of the acceptability of the planning grounds of these sites had taken place at an earlier time. The sites which have been included in Core Policy WCS4 and the site schedules are:
  • Wingmoor Farm East
  • Wingmoor Farm West (2 parcels of land)
  • Javelin Park
  • Land at Moreton Valence

3.5 The sites which have been allocated are on the basis that they meet the test of being both strategic and central to delivery. In this regards all the sites have a reasonable prospect that provision for strategic waste management facilities can be delivered at these locations during the plan period. In particular this includes that all the sites have support from a combination of the waste industry and landowners. There are uncertainties as to whether strategic waste management can be delivered for the sites which have not been allocated from the site options consultation, either due to planning concerns or in some cases that there was no real support from the waste industry in delivering any waste infrastructure on these sites. This has also required a balance with other issues raised in the consultation such as the concerns of the local community. The focus for strategic waste provision is made within the policy approach for the allocated sites in the WCS, which allows for flexibility to consider proposals against criteria should they come forward outside these locations. The basis of this is that strategic waste facilities should be located near to Gloucester and Cheltenham and the justification for this is supported by earlier consultation stages and evidence preparation. Criteria would allow consideration of any supporting waste infrastructure located elsewhere in the county.

4. Publication and the Next Stages

4.1 With regards the Publication period the WCS will need to be supported by all of the evidence base and supporting documentation that has been prepared in support of its preparation. It is intended that this will be made available on the Councils web pages in line with the previous stages of WCS preparation. What needs to be Published is the following: -
  • The Development Plan Document (as proposed to be Submitted)
  • The Proposals Map
4.2 Following approval the Council needs to provide an opportunity for representations to be made on the ‘soundness’ of the WCS. This 8-week process will begin in December 2010. The document will be made available through the web and at principal council offices and all previous consultees and stakeholders will be notified. Responses will be collated and any issues raised summarised ready to be submitted with the WCS. Through this process there may also be some issues that arise that can be reflected in the WCS before submission to the Secretary of State and therefore officers need to have a degree of flexibility in considering whether to make any changes to the document. The flexibilities required by officers, along with the wider checks and balances required by Council are set out in the recommendations.

4.3 With regard to the WCS the next stages are:
- The representations will need to be compiled and subject to no major concerns raised by statutory undertakers the WCS will be formally submitted to the Secretary of State in April 2011;
- Once submitted to the Secretary of State an Independent Examination is scheduled for later in 2011;
- Following approval by Council the WCS would be adopted early in 2012.

5. Options

5.1 Under the new planning system every WPA has a statutory requirement to produce a Waste Core Strategy which sets out the policies and proposals for new waste management which ensures sufficient opportunities for the provision of facilities of the right type, in the right place at the right time. The Council has already adopted a timetable for producing the WCS in the Minerals & Waste Development Scheme, including the signalling that the WCS will be Published in December 2010 and Submitted to the Secretary of State in 2011. The preparation of new style development plans including the WCS should be underpinned by strong community engagement and consultation including with local people about polices and sites. There is also a requirement that any decisions can be justified in the evidence base including engagement with the private sector and ensuring that decisions are deliverable. As such, Cabinet is requested to either approve the WCS in its current form or to suggest changes to the documents.

6. Risk Assessment

6.1 Failure to prepare or delay in the WCS programme could be a significant risk to providing a policy framework sustainable delivery of waste management in the County.
7. **Officer Advice**

7.1 That the Cabinet recommends to County Council to:-

A. Approve the Waste Core Strategy (WCS) attached at Appendix 1;
B. Authorise the Director: Environment to publish the WCS in accordance with the provisions set out in paragraphs 4.1 – 4.3 of the report and the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, and any subsequent amendment or replacement to such regulations;
C. Authorise the Director: Environment to consider any representations received during the publication stage (referred to in paragraph 4.2 of the report) and having regard to those representations to:
   C.1 Submit the WCS to the Secretary of State in the form set out in the Appendix 1 or with minor non material changes;
   C.2 Consider any proposed material changes to the WCS and:
      C.2.1 Where appropriate, undertake further preparatory work, including stakeholder engagement before submission of the WCS to the Secretary of State;
      C.2.2 Submit the WCS with appropriate material changes to the Secretary of State, after consultation with the Cabinet Member for Economy & Environment and if necessary a further Council decision.
D. Authorise the Director: Environment to appoint Officers and other appropriate experts to appear and give evidence at the Examination in Public on behalf of the County Council.

8. **Consultation Feedback**

8.1 As outlined in the main body of the report.

9. **Performance Management/Follow-up**

9.1 This will be undertaken through reports to Cabinet and Member Briefing Sheets as appropriate.
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<tr>
<th>Report Title</th>
<th>To approve the next stage of the Minerals &amp; Waste Development Framework preparation; recommendation to County Council to approve the Publication and subsequent Submission of the Waste Core Strategy</th>
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<tbody>
<tr>
<td>Relevant County Council policy</td>
<td>The Minerals and Waste Core Strategies will assist with the delivery of corporate aims four and five for Managing Our Environment and Economy and Making Transport Work.</td>
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<tr>
<td>Resource Implications</td>
<td>The preparation of the Minerals and Waste Development Framework, including the Waste Core Strategy, will require significant resources over the period to 2010/11 and beyond.</td>
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<td>Sustainability checklist:</td>
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<td>Partnerships</td>
<td>There are a number of formal and informal relationships with local communities, Parish Councils, District Councils, statutory bodies, industry and non-government organisations that are influenced by the preparation and content of the Waste Core Strategy.</td>
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<td>Decision Making and Involvement</td>
<td>Around 1,400 newsletters have been circulated to stakeholders on ten previous occasions, as part of the informal consultation on the Core Strategies. In addition stakeholder forums were held in 2006 and 2008 to assist in the on-going preparation of the Core Strategies. Responses to consultation and additional evidence gathering with targeted stakeholders were used in the preparation of the Core Strategies. Two Forums which were held in October 2007 have also assisted in the finalisation of the Preferred Options. Following approval by Cabinet the Site Options were subject to a formal 8-week consultation period between October-November 2009. This was accompanied by 'road shows' held near to the consultation sites.</td>
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<td>Economy and Employment</td>
<td>The waste management industry contributes to the diversity of the local economy by providing a significant number of jobs in the County. Indirectly the waste management industry supports employment for the collection of waste and processing/disposal at sites.</td>
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<td>Caring for people</td>
<td>The 2004 Act introduced a planning system that was intended to be more responsive, flexible and simpler. It identified that community involvement should occur at the beginning of the preparation process and continue throughout plan preparation. The Core Strategies have been prepared following these principles.</td>
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<td>Built Environment</td>
<td>A comprehensive policy framework is required to consider the environmental impacts in the light of new proposals which come forward. Within the WCS this will include a broad locational approach, particularly for strategic facilities.</td>
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<td>Landscape</td>
<td>The Waste Core Strategy documents consider a policy framework for development which could affect environmental designations (for example, Areas of Outstanding Natural Beauty). A comprehensive policy framework is required in order to consider environmental impacts in the light of new proposals which come forward. The Core Strategies are subject to a Sustainability Appraisal (SA) – incorporating Strategic Environmental Appraisal (SEA) - to ensure that policies are consistent with the principles of sustainable development.</td>
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<td>Education and Information</td>
<td>See decision-making and involvement above.</td>
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<td>Equal Opportunities in Service Delivery</td>
<td>Local planning authorities, in preparing Local Development Documents, must comply with the general duty in the Race Relations (Amendment) Act 2000 to promote race equality. This duty means that authorities must have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups. Community involvement in planning will need to address the involvement of different racial groups. Translation services are available for the development documents, including the Core Strategies, on request to non-English speaking communities. Local planning authorities should also comply with the Disability Discrimination Act 1995 which places a duty on all those responsible for providing a service to the public not to discriminate against disabled people by providing a lower standard of service. Service providers now have to consider making reasonable adjustments to the way they deliver their services so that disabled people can use them.</td>
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<td>Human Rights Implications</td>
<td>Planning decisions can impact on an individual’s rights under the Human Rights Act 1998. The planning system allows people to exercise their rights to make formal representations on plans when they are being developed. There are opportunities for representations to be made, considered by the planning authority and taken into account. The Government considers that the new planning system will simplify the process, with clear opportunities for community involvement to create a more effective, user-friendly service. This will provide a strong framework for protecting people’s rights.</td>
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<td>Consultation Arrangements</td>
<td>See decision-making and involvement above.</td>
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