

Council

31 January 2013

Agenda Item 81

Brighton & Hove City Council

Subject:	Adoption of the East Sussex, South Downs and Brighton & Hove Waste & Minerals Plan		
Date of Meeting:	31 January 2013 24 January 2013 – Policy & Resources Committee		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Steve Tremlett	Tel: 29-2108
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report is to inform the Policy and Resources Committee and Council of the outcome of the Public Examination of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (WMP), and seek approval for formal adoption of the Plan.
- 1.2 If adopted the WMP will provide planning policy for waste management and minerals production in East Sussex and Brighton & Hove, including that part of the South Downs National Park within East Sussex and Brighton & Hove (the Plan Area) to 2026. It will replace much of the adopted Waste Local Plan and Minerals Local Plan.

2. RECOMMENDATIONS:

- 2.1 That the Policy and Resources Committee is asked to recommend to Council to:
 - adopt the WMP, incorporating the Main Modification and minor modifications, as waste and minerals planning policy subject to the Head of Planning and Public Protection agreeing any further minor changes to the text of the Waste and Minerals Plan with East Sussex County Council and the South Downs National Park Authority;
 - note the analysis of the responses to the consultation on the Main Modification to the WMP;
 - note the contents of the Inspector's Report and her conclusion that the WMP is legally compliant and 'sound';
 - note the minor non-material modifications made to the WMP;
 - agree the Main Modification made to the WMP.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The WMP will provide the planning policy framework for waste management and minerals production within the Plan Area until 2026. The Plan's approach is to:
- reduce the amount of waste produced;
 - make provision for increased treatment (e.g. recycling or recovery) of waste including additional capacity for recycling/recovery facilities equivalent to the likely exports of waste for landfill;
 - identify 'Areas of Focus' for suitable locations for waste treatment facilities;
 - save the existing site allocations for recycling/recovery facilities contained in the Waste Local Plan until replaced by the subsequent Sites Plan;
 - recognise that the declining amounts of waste still requiring landfill should utilise existing planning permissions outside the Plan Area and therefore not include any Areas of Search for landraise or landfill;
 - safeguard existing landfill capacity;
 - resist the disposal of residual waste from London in the Plan Area;
 - meet the apportionment for aggregates advised by Government.
- 3.2 Following the Council resolution on 26 January 2012, a Proposed Submission Waste and Minerals Plan was published for statutory public consultation for a six week period commencing on 21 February 2012. 35 representations on the soundness of the Plan were received during this period and these were submitted, alongside the Plan, to the Secretary of State for independent Examination on 1 June 2012. Between 18 September and 28 September, Planning Inspector Susan Holland held public hearings at County Hall, Lewes, on aspects of the WMP as part of the Plan's Examination.
- 3.3 As a result of the Government's implementation of the National Planning Policy Framework in March 2012, the Inspector indicated that the Authorities should consider modifying the Plan by inserting a new policy that is intended to confirm that the Plan has a 'presumption in favour of sustainable development'. As the Plan already contained policies which taken together as a whole are intended to result in sustainable development, it was considered this 'Main Modification' did not represent a shift in the policy approach. As such the modification was published for public consultation under delegated authority by the Strategic Director of Place, as agreed at the July 2012 meeting of the Policy & Resources Committee. The consultation took place from Friday 12 October to Friday 9 November 2012. Ten comments were received which were forwarded to the Inspector for consideration. Details are included in Appendix 3.
- 3.4 A schedule of minor modifications made to the WMP for factual updates and clarity which do not materially affect the Plan is set out in Appendix 2.
- 3.5 The Inspector submitted her report to the Authorities on 9 January 2013 and in it she concludes that the modified WMP is 'sound' and legally compliant. In her report the Inspector noted that it is a positively prepared Plan with urgency and force in its commitment to moving away from land disposal (i.e. landfill and landraise) as a means of waste management.

- 3.6 The report concludes that the WMP provides an appropriate basis for the planning of the area over the next 15 years providing that a single main modification is made to the plan, as discussed in paragraph 3.3 above.
- 3.7 A copy of the Inspector's Report is available in the Members' Room. The Report has been published for public inspection and is available to view on the Council's website. In light of the Inspector's conclusions the WMP may now be adopted. The text of the Plan proposed for adoption is included in Appendix 1.
- 3.8 It is proposed that authority should be delegated to the Head of Planning and Public Protection to agree any further necessary minor modifications to be made to the WMP for factual updates and clarity, which do not materially affect the Plan, following consideration by the South Downs National Park Authority and East Sussex County Council. A schedule of the current minor modifications made to the WMP is set out in Appendix 2.
- 3.9 Adoption of the WMP will be considered by East Sussex County Council on 12th February 2013 and by the South Downs National Park Authority on 19th February 2013. A six week period for legal challenge would then begin. If the three Authorities adopt the WMP it will become part of the statutory Development Plan for Brighton & Hove. That means that it will be used by the City Council as the basis for determining planning applications for waste and minerals related development.
- 3.10 Progression of the WMP to a stage where it has been found sound, legally compliant and able to be adopted is a considerable achievement. Significantly less than half of waste planning authorities in England currently have adopted waste plans under the current system.
- 3.11 Following adoption, formal work will commence on a Waste & Minerals Sites Plan, which will identify specific sites for the waste and minerals development required to achieve the objectives of the WMP.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The Waste and Minerals Plan has been a number of years in gestation and has evolved through a number of stages of public consultation, as follows:
- Sustainability Appraisal Scoping (2007);
 - Issues & Options (2008);
 - Preferred Strategy (2009);
 - Draft Waste & Minerals Plan (2011);
 - Proposed Submission Waste and Minerals Plan (February - April 2012).
- 4.2 The consultation on the insertion of the presumption in favour of sustainable development as a Main Modification took place from 12 October to 9 November 2012.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The costs of the consultation on the draft Waste and Minerals Plan and of publishing the Proposed Submission Waste and Minerals Plan are being shared proportionally with East Sussex County Council and the South Downs National Park Authority. The council's share of the costs will be met from within the existing Waste Planning revenue budget.

Finance Officer Consulted: Karen Brookshaw Date: 28/11/12

Legal Implications:

- 5.2 The legislative background to the Waste and Minerals Plan is found in the Planning and Compulsory Purchase Act 2004, section 23 of which sets out the circumstances in which a development plan document may be adopted. Section 23 provides, inter alia, that where modifications have been recommended by the examining inspector, as is the case with the WMP, then should the local planning authority wish to adopt the plan they can only do with the recommended modifications.
- 5.3 As stated in paragraph 3.7 of the report, once adopted the WMP will become part of the City's statutory development plan. As such, and to comply with section 38(6) of the 2004 Act, determinations of waste and minerals planning applications will need to accord with the relevant policies in the WMP unless material planning considerations indicate otherwise.
- 5.4 No adverse human rights implications arise from the report

Lawyer Consulted: Hilary Woodward Date: 28/11/12

Equalities Implications:

- 5.5 None directly arising from this report

Sustainability Implications:

- 5.6 The planning system has a clear purpose to contribute towards the achievement of sustainable development. The WMP has been subject to a full Sustainability Appraisal of its economic, social and environmental impacts.

Crime & Disorder Implications:

- 5.7 None specifically arising from this report.

Risk and Opportunity Management Implications:

- 5.8 Risks to the project were regularly reviewed at project meetings. Adoption of the Waste & Minerals Plan would complete the project.

Public Health Implications:

- 5.9 None arising directly from this report.

Corporate / Citywide Implications:

- 5.10 It is important that the planning policies are in place to provide a strategy for dealing with waste management and minerals production across Brighton & Hove and East Sussex.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 This is the only practicable option if the Waste and Minerals Plan is to be adopted.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Approval of Council is required to adopt the Waste and Minerals Plan.

SUPPORTING DOCUMENTATION

Appendices:

1. Waste & Minerals Plan (version for adoption) (165 pages – in Members' Rooms).
2. Schedule of current minor modifications.
3. Submission Waste & Minerals Plan Main Modification Consultation Summary of Responses (33 pages – in Members' Rooms).

Documents in Members' Rooms

1. Sustainability Appraisal
2. Inspector's report.