

Report to: **Lead Cabinet Member for Transport and Environment**
 Date: **7 November 2005**
 Report By: **Director of Transport and Environment**
 Title of Report: **Proposed Changes to Regional Planning Guidance for South East (RPG9) – Waste and Minerals**
 Purpose of Report: **To recommend a response to the formal consultation on the Proposed Changes to RPG9 on waste and minerals.**

RECOMMENDATION - to advise the Government Office for the South East (GOSE) that overall the County Council supports the proposed changes to RPG9 – Waste and Minerals but subject to the comments summarised in section 3 of this report.

1. Financial Appraisal

1.1 The consultation has no direct financial implications.

2. Supporting Information

2.1 The South East England Regional Assembly (SEERA) has previously prepared waste and minerals strategies that are intended to update existing policies set out in Regional Planning Guidance for South East (RPG9), which has the status of statutory Regional Spatial Strategy (RSS). After initial consultation, the strategies were submitted to Government and a consultation response was agreed by the Lead Member on 10 May 2004. Following the Examination in Public in October 2004, at which the County Council participated, the Independent Panel appointed by the Secretary of State produced a Report of their findings. The Secretary of State has largely accepted the Panel's suggestions and in the light of this has published Proposed Changes to RPG9 for public comment by 11 November 2005.

Key Issues

2.2 The main changes to the waste strategy involve reducing the number of waste policies from 20 to 17, incorporating a table forecasting waste arisings in each sub-region for which waste planning authorities should identify additional capacity and facilities, and, numerous more minor policy amendments in line with the Panel's recommendations. The main changes to the minerals strategy involve reducing the number of policies from 8 to 5, increasing the required supply of primary aggregates for the South East, altering the proposed sub-regional apportionment of this requirement and similarly a number of more minor policy amendments arising from the Panel Report.

2.3 The main reports to Lead Member on the previous draft of the waste and minerals strategies are attached as Appendix 1. In addition, the report to Lead Member on 10 May 2004 indicated that the regional recovery and recycling targets were very challenging.

3. Comments/Appraisal

3.1 Overall the Proposed Changes to RPG9 – waste and minerals can be supported but subject to the following comments.

Waste

- the proposed rates for municipal waste and commercial and industrial waste to be managed up to 2025 which have been prepared to assist the preparation of development plan documents, utilise data which is not totally robust. Their inclusion in RPG9 should be caveated by a reference that the sensitivity of the data should be assessed at Public Examinations into the individual sub-regional Waste Development Frameworks. There are also inconsistent definitions of existing capacity.
- The only targets to be altered in the Proposed Changes involve a reduction of recycling targets for Construction and Demolition Waste. The Panel did consider that all the targets

post 2016 should be considered aspirational. As shown in Appendix 1, the County Council did previously indicate that the approach in the Waste Local Plan was to propose more realistic targets that could be exceeded. There is a need to ensure that the targets in the Proposed Changes to RPG9 are deliverable. Whilst new government guidance indicates there should be no need to re-open consideration of principles of rates of waste to be managed in RSS, it also states that authorities should avoid unrealistic assumptions on the prospects for the development of waste management facilities. The Proposed Changes to RPG9 should therefore identify that Waste Development Frameworks provide an important opportunity to test the practicability and environmental acceptability and, therefore, the deliverability of the overall approach and provision of facilities at a local level.

- the County Council previously requested more positive wording to support Energy from Waste facilities in Policy W12. The Panel agreed that it was rather negative wording. The Panel rejected the views of some environmental groups that it would be appropriate to include a presumption against incineration and the Panel chose to recommend no change to this part of the policy. The Secretary of State accepted this recommendation.
- the Proposed Changes to RPG9 do not address the County Council's previous concerns on the need for clarification as to whether the term 'landfill' in the strategy includes landraising. This point needs to be reiterated.

Minerals

- the proposed change to the sub-regional apportionment of an increased supply of primary aggregates has not altered East Sussex/Brighton & Hove's allocation. The Panel had previously identified that East Sussex had little remaining aggregate resource and proposed no additional increment.
- the County Council's previous comment on the need for a suitable appraisal of the sub-regional apportionment influenced by local assessments, is recognised by the Government indicating that the Regional Assembly should keep the apportionment under review.

3.2 The Proposed Changes include references to certain requirements in the waste and minerals strategies which will have major implications. These include a sub-regional apportionment of waste from London, requirements for hazardous waste and a sub-regional apportionment of the provision for recycled and secondary aggregates. Policies related to these issues are being drafted by the Regional Assembly and will be included in the South East Plan for public consultation once it is submitted to Government in 2006.

4. Environmental Issues

4.1 The proposed changes incorporate the principles of sustainable development and accord with national environmental objectives.

5. Conclusion and Reason for Recommendation

5.1 Subject to the comments in Section 3 of this report, the proposed changes are acceptable. The overall approach in waste policies will need to be rigorously considered as part of the preparation of the Waste Development Framework, which will ultimately replace the Waste Local Plan. The mineral policies will provide a guide for the current preparation of the Minerals Development Framework.

BOB WILKINS
Director of Transport and Environment

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Local Member(s): All

BACKGROUND DOCUMENTS

Proposed Changes to Regional Planning Guidance for South East RPG9 (Waste and Minerals).

Committee	Lead Cabinet Member for Transport and Environment
Date	10 May 2004
Report By	Director of Transport and Environment
Title of Report	Proposed Alterations to Regional Planning Guidance for the South East (RPG 9) - Regional Minerals Strategy
Purpose of Report	To recommend a response to the formal consultation on the Regional Minerals Strategy

RECOMMENDATION

To advise the Government Office for the South East (GOSE) that the County Council supports the proposals to amend RPG 9 set out in the Regional Minerals Strategy, subject to the comments summarised in paragraph 3.3.

1. Financial Appraisal

1.1 The consultation has no direct financial implications.

2. Supporting Information

Introduction

2.1 The South East England Regional Assembly (SEERA) has prepared a Regional Minerals Strategy, which is intended to update existing regional planning guidance on minerals set out in the current Regional Planning Guidance (RPG9). A consultation draft was published in September 2003, a response to which was agreed by the Lead Member on 3 November 2003. A copy of the main report to that meeting is attached for information (see Appendix 1).

2.2 An amended Strategy has now been submitted by SEERA to the Secretary of State. Following receipt of representations, an independent Panel, appointed by the First Secretary of State, will identify the key matters to be considered further at a Public Examination. This will commence on 4 October 2004 and will also consider the draft Regional Waste Management Strategy reported elsewhere on the agenda.

2.3 The Strategy deals with minerals of regional significance, which are construction aggregates, clay, chalk, silica sand and gypsum. The policies are intended to create a balance between the requirement for an adequate supply of minerals to maintain a healthy regional economy, and the need to manage any environmental impact arising from extraction, processing and transport. A copy is in the Members' room and can also be viewed at www.southeast-ra.gov.uk/strategies/index.html.

Key issues

2.4 This report deals only with proposed amendments to the Strategy following the initial consultation. The revised policies are attached at Appendix 2 for information.

2.5 The main changes from the consultation draft are:

Apportionment

SEERA maintain that the technical calculations that underpin the sub-regional apportionment of land-won construction aggregates are logical, but consider that it has resulted in some anomalies for certain county areas. Therefore, a modest 'dampener' element has been applied to reduce the scale of the requirement in Surrey and Oxfordshire.

This has not affected the East Sussex (and Brighton & Hove) apportionment figure of 10,000 tonnes per annum.

Recycling targets

The recycling targets for aggregates in policy M3 (was M2) have been amended to maintain the original growth in recycling rates but from a higher base. This policy has also been amended so that development in the open countryside and, in exceptional circumstances, AONB and National Parks is not precluded, where it may be consistent with the proximity principle. This is in line with the amendments in the Regional Waste Management Strategy.

Implementation

A new policy (M8) and an implementation plan have been added. The plan sets out the principal roles and actions required of authorities, agencies and companies in assisting implementation of the strategy and its policies.

3. Comments/Appraisal

3.1 The draft Strategy is broadly acceptable. A strategic sustainability appraisal has now been undertaken and this did not suggest that a significant change to the Strategy was needed. The Strategy will provide the regional framework for the review of the County's adopted Minerals Local Plan and preparation of its new style Minerals Development Framework, on which work has started.

3.2 The proposed sub regional apportionment may be challenged by certain parties, in order to increase the grand total in line with national guidance and redistribute the sub regional apportionment relative to the geography of demand. This is of concern to some mineral planning authorities but is unlikely to affect the East Sussex (and Brighton & Hove) apportionment.

3.3 SEERA intends a further review of the Regional Minerals Strategy in four years time. It is essential that the detailed environmental appraisals undertaken as part of the Mineral Development Frameworks should influence the review of the sub regional apportionment, and comments to this effect should be made to GOSE. The County Council will need to participate in this more detailed assessment.

4. Environmental Issues

4.1 The Strategy is based on the principles of sustainable development and generally accords with the regional sustainability development framework.

5. Conclusion and Reason for Recommendation

5.1 The Strategy sets an acceptable framework for minerals extraction and processing in East Sussex and Brighton & Hove and, therefore, should be supported subject to the comments indicated in the report.

BOB WILKINS
Director of Transport and Environment

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Local Member: All

BACKGROUND DOCUMENTS

Proposed Alterations to RPG, South East – Regional Minerals Strategy March 2004.

Committee	Lead Cabinet Member for Transport and Environment
Date	10 May 2004
Report By	Director of Transport and Environment
Title of Report	Proposed Alterations to Regional Planning Guidance for the South East (RPG 9) – Regional Waste Management Strategy
Purpose of Report	To recommend a response to the formal consultation on the Regional Waste Management Strategy.

RECOMMENDATION

To advise the Government Office for the South East (GOSE) that the County Council supports the proposals set out in the proposed alterations to the Regional Waste Management Strategy, subject to the comments summarised in section 3 of this report and set out in full in Appendix 4 to this report.

1. Financial Appraisal

1.1 The consultation has no direct financial implications.

2. Supporting Information

Background to the strategy

2.1 Alterations to the draft Regional Waste Management Strategy have been prepared by the South East England Regional Assembly (SEERA). It is intended to update existing regional planning guidance on waste set out in Regional Planning Guidance Note No. 9 (RPG9). Preparation of the Strategy has been assisted by South East Regional Technical Advisory Body (SERTAB). This strategy has been amended following initial consultation on the first draft published in March 2003. Cabinet considered the initial draft on 3 June 2003 and the main report to Cabinet is attached as Appendix 1.

2.2 The amended Strategy has now been submitted to the Secretary of State. Following receipt of representations, an independent Panel, appointed by the First Secretary of State, will identify the key matters to be considered further at a Public Examination. This will commence on 4 October 2004, and will also consider the draft Regional Minerals Strategy, reported elsewhere on the agenda.

2.3 SEERA held a Regional Waste Summit on 16 March 2004, which was chaired by Councillor Reid. The conference considered the amended Regional Waste Management Strategy and debated priority actions for the implementation of the Strategy.

Key Issues

2.4 The Strategy aims to deliver a fundamental change to the way that waste is managed in the region. Emphasis is put on considering waste as a resource and policies have been developed which increase recycling and recovery levels, whilst progressively diverting waste away from land disposal. This reflects the approach in the Government's, '*Waste Strategy 2000*' and also mirrors the approach taken in the draft Waste Local Plan for East Sussex and Brighton & Hove. The Regional Waste Management Strategy is valuable as it provides a regional context within which Waste policy documents can be prepared and reviewed.

2.5 A summary of the main amendments to the Strategy is set out in Appendix 2. A list of the proposed policies is at Appendix 3. A copy of the Strategy is available in the Members' room or can be viewed at www.southeast-ra.gov.uk/strategies/index.html.

3. Comments/Appraisal

3.1 Overall the amended Strategy can be supported subject to the following comments (which are set out in full in Appendix 4):-

- SEERA has, compared to the draft Strategy, decreased the regional total recovery/diversion from landfill targets and increased the recycling and composting targets, to make them more realistic and achievable. The Waste Local Plan targets for household waste (Policy WLP1) are not directly comparable to these targets, and the policy does envisage that the Waste Local Plan targets may need to be exceeded. All the targets expressed in the draft Strategy and the draft Waste Local Plan remain very challenging;
- Policy W12 has not been amended to give more positive support to Energy from Waste facilities. The second sentence of policy W12 should be replaced by “*Energy from Waste should be supported as part of an integrated approach to management*”;
- the illustrative waste management requirements for each waste planning authority area, included in Annex 1 of the Strategy, do indicate the substantial number of new facilities that are required. However, data on waste management capacity is incomplete and further work is required by SEERA, the South East Regional Technical Advisory Board (SERTAB) and waste planning authorities to refine these requirements;
- the Strategy throughout refers to ‘landfill’. There needs to be clarification that this term includes landraising. It may be more appropriate that the term ‘waste disposal to land’ is used.

4. Environmental Issues

4.1 The draft Strategy is based on the principles of sustainable development and accords with national and regional environmental objectives.

5. Conclusion and Reason for Recommendation

5.1 Subject to minor comments, the draft Strategy represents a sustainable approach to the provision of waste facilities linked to ambitious targets, and reflects the strategy adopted in the emerging Waste Local Plan and can be supported subject to the comments indicated in the report.

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Local Member: All

BACKGROUND DOCUMENTS

Proposed Alterations to Regional Planning Guidance, South East – Regional Waste Management Strategy March 2004.