

Meeting:	<b>Waste Management Contract Joint Committee</b>
Date:	<b>1 October 2004</b>
By:	<b>Director of Transport and Environment, East Sussex County Council, and Director of Environment, Brighton &amp; Hove City Council</b>
Title:	<b>East Sussex and Brighton and Hove Waste Local Plan – Planning Inspector’s Report</b>
Ward(s) affected:	<b>All</b>
Purpose of the Report:	<b>To advise the Joint Committee of the main issues raised by the Inspector on the Waste Local Plan Inquiry and timing of public consultation on the Council’s response to the Report.</b>

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**RECOMMENDATION - that the Joint Committee notes the report.**

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**1. Background**

1.1 A five-month Public Inquiry into objections was completed on 24 October 2003. The 291-page report of the Inquiry Inspector was received on 2 June 2004. The report contains the Inspector’s conclusions, which are largely supportive of the draft plan. It also contains 230 recommendations for changes to the Plan, many of which are minor textual changes. In addition there are several key recommendations for change which are outlined in Appendix One.

1.2 The Councils now have to publish a response to the Report for public consultation. Where recommendations are accepted, appropriate modifications to the Plan are put forward in the response, and where they are rejected, reasons for rejection are provided. If modifications introduce significant new policies or sites not previously consulted upon which raise new objections, this may generate grounds for a further Inquiry, as may rejection of recommendations without good planning reasons.

**2. Inspector’s Key Recommendations**

2.1 A summary of the Inspector’s views on key policies in the Plan is set out in Appendix One. His conclusions on the sites referred to in the Joint Integrated Waste Management Services Contract are set out in Appendix Two. An extract from the Inspector’s covering letter, in which he sets out his key conclusions, is also included at Appendix Three.

2.2 Particular note should be made of the fact that the Inspector has recommended certain issues (e.g. the consideration of other sites for allocation in the Plan) are included in a review of this Plan once adopted. Additionally, transitional arrangements under the Planning and Compulsory Purchase (P&CP) Act only provide for local plans to be “saved” for three years, before a new-style Waste Development Framework needs to be in place (in certain circumstances it may be possible to negotiate an extension to this period). There will, therefore, need to be a joint commitment to start a review of the Waste Local Plan in the new three year Local Development Schemes which both Councils have to agree and submit to GOSE for approval by 28 March 2005. Not including the review of the Waste Local Plan in the schemes,

could lead to financial penalties and the prospect of the adopted Plan not being “saved” for more than three years.

### **3. Next Stages and Timetable**

3.1 Both Councils will consider their response to the Inspector’s Report towards the end of the year. In Brighton and Hove, the response will be considered by Members of Policy and Resources Committee on 8 December and Full Council on 20 January. In East Sussex, the response will be considered by Members of Cabinet on 24 November and Full Council on 7 December. It is proposed that a briefing be sent to all Members confirming this timetable in the next few days.

3.2 If Members approve the way forward and recommended response, Proposed Modification to the WLP will be published for a statutory six-week period of public consultation in 2005.

3.3 A timetable setting out the proposed programme to adoption is included at Appendix Four.

### **4. Conclusions**

4.1 The Inspector’s Report on the Waste Local Plan is broadly supportive of the Plan. Each recommendation in the report will be considered and reported to Members of both Councils. The Councils’ response to the Report and Proposed Modification to the WLP will subsequently be published for public consultation in 2005.

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## Inspector's Key Recommendations

1. **Policy WLP 1: The Plan's Strategy (this includes recycling and recovery targets)**

The Inspector felt that this policy should be strengthened in a number of areas as follows:

  - The policy should expressly include the objectives of the Waste Framework Directive. These objectives are to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment.
  - The principle of ensuring that waste developments contribute to the overall aim of sustainable development should be clearly expressed in this policy.
  - The Precautionary Principle should be expressly included as a principle to be taken into account when considering planning applications. (The Precautionary Principle is taken by the Inspector to mean that any proposed method of waste management must include all cost-effective measures to avoid environmental harm, even though there is no scientific certainty that the method of management is the cause of the harm).
  - Recycling and Recovery targets for household and municipal waste should be increased and targets for commercial and industrial waste should be included as follows:
    - 2005 targets of recycling 30% of household waste and recovery of 40% municipal waste to be amended with targets of at least 25% recycling or composting municipal waste, municipal recovery target to remain unchanged. Addition of a minimum 55% recovery target for commercial and industrial waste.
    - 2010 targets of recycling 33% of household waste and recovery of 50% of municipal waste to be replaced by targets of at least 35% recycling or composting municipal waste and at least 67% recovery of municipal waste. Addition of a minimum 68% recovery target for commercial and industrial waste and a minimum 81% reuse or recycling target for inert waste.
    - 2015 targets of recycling 40% of household waste and recovery of 67% of municipal waste to be replaced by targets of at least 45% recycling or composting municipal waste and at least 80% recovery of municipal waste. Addition of a minimum 75% recovery target for commercial and industrial waste.
  
2. **Policy WLP 8: Site-specific allocations for material recovery facilities/waste transfer facilities**
  - Hangleton Bottom, Hove
  - Hollingdean Depot/ Abattoir, Brighton
  - Bellbrook Industrial Estate, Uckfield
  - Land at Tutts Barn, Eastbourne

The Inspector recommended that these sites be retained in the Plan.
  
3. **Policy WLP 9: Site specific allocations for energy from waste facilities**
  - North Quay, Newhaven  
The Inspector recommended that this site be retained in the Plan.
  - Mountfield Mine, Robertsbridge  
The Inspector recommended that this site be deleted from the Plan.
  
4. **Policy WLP 9/1: Reserve site-specific allocations for a materials recovery facility/waste transfer station for the eastern area (Pebsham)**

The Inspector recommended that this site be retained and, in view of his recommendation regarding Mountfield, should form a substantive allocation for a materials recovery facility/waste transfer station under policy WLP8. In addition the Inspector recommends the proposed uses for this site be broadened out to include

composting, mechanical biological treatment, anaerobic digestion and thermal treatment. The Inspector does not recommend that the site be used for a conventional incinerator.

**5. Policy WLP 10: Site specific allocations for waste disposal to land**

- Beddingham Landfill site

The Inspector recommended that the extension to non-inert land disposal on this site proposed in the Plan be retained.

- Ashdown Brickworks, Bexhill

The Inspector recommended that this site be retained in the Plan.

The Inspector was concerned that the Plan does not identify sites for inert land disposal, and suggested that this policy should safeguard specific sites for this use, pending a review of their suitability.

**6. Policy WLP19: Energy from Waste Facilities**

The Inspector accepted the overall principle in the Plan of recovering energy from waste (including incineration), subject to certain caveats.

**7. Policy WLP21: Landraising – Non-Inert Waste**

The Inspector accepted the principle of disposing of non-inert waste (eg. household waste) by landraising. He recommends amending the policy to prefer the use of mineral working areas or existing land disposal sites or other suitable previously developed land. Landraising on greenfield sites will only be acceptable if all other sites have been investigated and eliminated.

**8. Policy WLP30: Waste Water and Sewage Sludge**

The Inspector accepted WLP30, with some minor modifications, and added another policy identifying a broad area of search for a new Waste Water Treatment Works for Brighton & Hove/ Peacehaven (defined by the Plan boundary to the west, the Downs east of the River Ouse to the east, the A27 to the north and the sea to the south).

**General comment about allocation of sites**

While he does not formally recommend it, the Inspector feels that a wider range of sites ought to be identified in the Plan. He leaves it to the Councils to consider when it would be most appropriate to do this but advises that this should be done no later than at the first review of the Plan.

**Inspector's Conclusions Regarding Sites Referred to by Onyx in the Joint Integrated Waste Management Services Contract**

Onyx's Preferred Location	Contract Facility Description	Inspector's Conclusions
North Quay, Newhaven	Mass burn, conventional, proven incineration system	This site should be retained in the Plan for waste management uses including incineration.
Hollingdean, Brighton	Materials separation, sorting and bulking facility for dry recyclable materials (predominantly paper, cans, plastics, card and glass).	This site should be retained in the Plan for waste management uses, waste transfer and materials recycling.
Golden Cross, Hailsham	Enclosed composting facility	This site was not put forward in the Plan nor was it proposed by objectors, therefore the site was not considered by the Inspector.
Maresfield Camp, Maresfield	Enclosed transfer facility including new Household Waste Recycling Site.	This site was not put forward in the Plan but was put forward by objectors and therefore considered by the Inspector. His conclusions on this site are that, subject to existing planning approvals not precluding its use, the site should be safeguarded for waste uses including materials recycling, composting, mechanical biological treatment, anaerobic
Hollingdean, Brighton	Enclosed transfer facility.	This site should be retained in the Plan for waste management uses including waste transfer and materials recycling.
RDF Site, Pebsham	Enclosed transfer facility including new Household Waste Recycling Site.	This site should be formally allocated in the Plan for waste management uses including waste transfer and materials recycling.
North Quay Newhaven	Capacity and type of facility to be determined. Temporary waste transfer when landfill at Beddingham is closed.	This site should be retained in the Plan for waste management uses including waste transfer and materials recycling, composting, mechanical-biological treatment, anaerobic digestion and thermal treatment.
RDF Site, Pebsham	There is flexibility for location, capacity and type of facility. The reference facility is a proven, anaerobic digestion technology.	This site should be formally allocated in the Plan for waste management uses including materials recycling, composting, mechanical-biological treatment, anaerobic digestion and thermal treatment.

### Extract from Inspector's Covering Letter

The following is an extract from the Inspector's letter which accompanied the report in which the Inspector summarises his view of the Plan:

"I set out here a brief summary of my main conclusions. Far and away the dominant objections (in number and content) were those which sought a ban on any incinerators being built in the Plan area, which in consequence objected to proposals to identify sites for energy from waste facilities, and which pressed for higher recycling and composting rates which, it was contended, would make incineration unnecessary. The question of incineration is dealt with in Part 36. I do not accept that incineration should be banned. Chiefly this is because I am not convinced that in practice there can be any guarantee that such high rates of recycling and composting will be achieved as to justify a policy of no thermal treatment. The more likely effect of such a policy would be continued reliance on landfill, including transporting waste large distances across the country if local sites cannot be found. I have enlarged on this in the report. Also I do not accept that incineration should be banned on health grounds. A more constructive approach is to set requirements which proposals for incinerators or alternative types of thermal treatment would be required to satisfy.

At the same time, I have not supported the identifying of sites specifically for energy from waste facilities, nor (for, as explained in the report, I prefer to get away from the term EfW) for thermal treatment or incinerators. I take the view that only at the planning application stage can it be decided whether an incinerator would be part of the BPEO for the waste stream(s) it was proposed to manage. This leads to a recommended strategy of identifying preferred locations for waste management in general, albeit with an indication of the type(s) of facility that may be acceptable at each location; combined with criteria-based policies for each type of waste management which would be applied in determining whether a particular proposal was acceptable. While some may criticise this as adding to uncertainty, I see it as a realistic response to a rapidly changing scene.

Subject to this change, I have supported all the locations identified in the Plan for waste management, except for Mountfield for the reasons given in Part 23. I have also recommended additional locations which are considered to have potential for waste management, subject to further investigation (see Part 15), or for inert waste disposal (see Part 25). These should make the Plan more robust by increasing the scope for providing an adequate network of installations and a wider range of facilities.

I have also, in response to objections, recommended some increases in the recycling and composting rates aimed at in policy WLP1 (see Parts 5 and 6). But no-one should be under any illusion that these will be easy to achieve. Indeed, if East Sussex and Brighton & Hove succeed in reaching these targets they are likely to be among the leading authorities in the country in this field. It is a challenge for everyone, including individuals and businesses.

Another main set of issues surrounds landfill. In Parts 5, 25 and 37-38 I have expressed misgivings about the adequacy of non-inert landfill provision in the Plan area, and have recommended changes to policies WLP20 and 21 which support bringing forward suitable proposals which can meet the criteria as set out. This is in addition to the Ashdown Brickworks site in policy WLP10. The report explains the basis for these conclusions.

The last main issue is wastewater treatment. Here there is a conflict between the imperative requirement to provide adequate treatment for the Brighton/ Hove/ Peacehaven catchment and the environmental constraints applying across the search area. It would have been preferable if the Plan could have given clear guidance as to a preferred site. For the reasons explored in Part 47, this proved

not to be practicable, but I have recommended an additional policy which identifies an area of search, within which the criteria in policy WLP30 would be applied.”

**Waste Local Plan Timetable**

Members of the County Council and City Council consider response to the Inspector's Report at meetings of Full Council.				December/January 2004	
Councils' response to the Plan published for statutory six-week period of consultation. (Sets out which recommendations are accepted and which rejected.)				Spring 2005	
Comments received during consultation published for inspection				August 2005	
Members of the County Council and City Council to consider comments on consultation and decide to adopt Plan or make further modifications or hold a second Public Inquiry.				October 2005	
<b>1. Plan adopted</b>		<b>2. Further modifications</b>		<b>3. Public Inquiry</b>	
Publish notice to adopt	Nov 2005	Modifications published for consultation	Nov 2005	Pre – Inquiry meeting	March 2006
Plan adopted	Dec 2005	Consultation comments published	Jan 2006	Inquiry	June 2006
		Members consider comments and decide to adopt	March 2006	Inspector's Report received	Dec 2006
		Plan adopted	April 2006	Response to report published	March 2007
				Plan adopted ?	Sept 2007