

WIRRAL COUNCIL

CABINET

22 SEPTEMBER 2011

SUBJECT:	<i>LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – JOINT WASTE DEVELOPMENT PLAN DOCUMENT FOR MERSEYSIDE AND HALTON – APPROVAL OF PUBLICATION AND SUBMISSION</i>
WARD/S AFFECTED:	<i>ALL BIDSTON AND ST JAMES; BIRKENHEAD AND TRANMERE; HOYLAKES AND MEOLS; MORETON WEST AND SAUGHALL MASSIE; SEACOMBE; AND ROCK FERRY</i>
REPORT OF:	<i>INTERIM DIRECTOR OF CORPORATE SERVICES</i>
RESPONSIBLE PORTFOLIO HOLDER:	<i>REGENERATION AND PLANNING STRATEGY</i>
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 Wirral Council has formally agreed with the councils for Knowsley, Liverpool, Sefton and St Helens (Council, 11 July 2005, Minute 20 refers) and Halton (Council, 30 October 2006, Minute 50) to prepare a single joint Waste Development Plan Document to cover the whole of Merseyside and Halton. Four stages of public consultation have already taken place over previous years. Approval is now being sought from each of the six partner authorities to enable the draft Waste DPD, attached to this report, to be published for six weeks and submitted to the Secretary of State for public examination. This report also recommends that provision is made to delegate decisions to the Interim Director of Corporate Services and the Portfolio Holder for Regeneration and Planning Strategy to make typographical changes and to enable the Council to respond quickly to any comments raised following the publication of the draft Waste DPD and during the following public examination.
- 1.2 Approval of the publication and submission of the Waste DPD will require a decision of Full Council.

2.0 RECOMMENDATIONS

- 2.1 **That the findings of the Preferred Options 2 Consultation on New Sites Results of Consultation Report, attached to this report, are noted.**
- 2.2 **That Cabinet recommends to Council that the spatial distribution of one sub-regional site per district is approved.**
- 2.3 **That Cabinet recommends to Council that the draft Joint Waste Development Plan Document for Merseyside and Halton, attached to this report, is published for final representations on the soundness of the plan and is submitted to the Secretary of State for public examination.**

2.4 That Cabinet recommends to Council that delegated authority is given to the Interim Director of Corporate Services to make any necessary minor changes to the Waste DPD and in addition in consultation with the Portfolio Holder for Regeneration and Planning Strategy to approve any changes necessary to secure the soundness of the plan, before and during the public examination of the Waste DPD.

3.0 REASON/S FOR RECOMMENDATION/S

3.1 To allow the statutory procedures for the preparation of the Joint Waste Development Plan Document to be satisfied, to enable the Waste DPD to be formally submitted to the Secretary of State for public examination and to enable the Council to respond promptly to any representations and to the comments and requirements of the Planning Inspector appointed to undertake the public examination by the Secretary of State.

4.0 BACKGROUND

4.1 Wirral Council resolved to prepare a Joint Waste Development Plan Document (the Waste DPD) in partnership with the councils for Knowsley, Liverpool, Sefton and St Helens in July 2005 (Council, Minute 20 refers) and resolved that Halton Council be added to the partnership in October 2006 (Council, Minute 50 refers).

4.2 Public consultation was undertaken on Issues and Options during March and April 2007 (Cabinet 14 December 2006, Minute 187); on Spatial Strategy and Sites between November 2008 and January 2009 (Cabinet, 16 October 2008, Minute 236); on Preferred Options during May and July 2010 (Council, 15 February 2010, Minute 97); and on additional sites (none of which were in Wirral) during May and June 2011 (Council, 14 February 2011, Minute 82). The previous consultation documents can be viewed on the Waste DPD Document Archive at <http://merseysideeas-consult.limehouse.co.uk/portal>

4.3 Public consultation was also undertaken, alongside these documents, on the emerging evidence base studies for the Waste DPD.

4.4 The Waste DPD now needs to be published and formally submitted to the Secretary of State for public examination by an independent Planning Inspector, who will test the “soundness” of its policies and proposals.

4.5 “Soundness” means that the six councils must demonstrate that the Waste DPD is justified, effective and consistent with national policy, is founded on a robust and credible evidence base and is the most appropriate strategy when considered against the reasonable alternatives. To be effective the Waste DPD must also be deliverable, flexible and able to be monitored. The decision of the Planning Inspector will be binding on the six councils.

4.6 The Waste DPD will include land use planning policies on the future strategy for waste-related development across Merseyside and Halton including the allocation of sites for sub-regional and district scale waste facilities. Further detail on the content of the Publication Draft Waste DPD is set out below.

KEY ISSUES

- 4.7 The Waste DPD is a statutory land use planning document that will set out the Council's future vision and priorities for the waste-related development and use of land in the Borough over the next ten to fifteen years.
- 4.8 The publication of the draft Waste DPD that the six councils intend to submit to the Secretary of State is the last chance for people to comment on the soundness of the plan before the formal statutory public examination takes place.
- 4.9 The Publication Draft Waste DPD should, therefore, be the document that the Council would wish to see submitted and adopted.

Publication Draft Waste DPD

- 4.10 The draft for Publication is attached to this report. The document contains 13 general policies setting out criteria for dealing within planning applications and allocates 21 sites across the sub-region for new waste development including landfill. One sub-regional site for built facilities has been identified within each council area. Cabinet is recommended to recommend to Council that this spatial distribution of one sub-regional site per district is approved.
- 4.11 Three site allocations have been identified in Wirral for additional built-facilities: a sub-regional site at Cammell Lairds Shipyard, adjacent to the Tranmere Oil Terminal (Rock Ferry Ward)(Policy WM2, page 46 refers); and two smaller sites for district-scale facilities at existing waste sites at Wallasey Bridge Road in Birkenhead (Bidston and St James Ward)(Policy WM3, page 49 refers). Site plans are provided on pages 114 and 115 of the draft Waste DPD.
- 4.12 Two more general Areas of Search for additional small-scale re-processing sites have also been identified at the industrial areas associated with the north bank of the West Float docks (Seacombe Ward) and at the industrial areas associated with the Cammell Laird Shipyard (within the Wards of both Birkenhead and Tranmere and Rock Ferry)(Policy WM5, page 53 refers).
- 4.13 These sites and the Areas of Search were subject to public consultation as part of the Spatial Strategy and Sites Report (Cabinet, 10 December 2008, Minute 303) and again as part of the Preferred Options Report (Cabinet, 4 February 2010, Minute 309).
- 4.14 The site-allocations will need to be shown on the Local Development Framework Proposals Map once the Waste DPD has been formally adopted.
- 4.15 Further details on the content of the draft Waste DPD and the outcome of the latest round of consultation (which did not include any additional sites in Wirral) is contained within the joint Core Briefing Report, prepared for the approval of all six partner authorities, which is included at Appendix 1 to this report. Cabinet are recommended to note the findings of the Preferred Options 2 Consultation on New Sites Results of Consultation Report included at Appendix 4 to this report.
- 4.16 One of the key recommendations refers to the need for procedures to be in place to allow prompt decision making by each of the partner authorities to allow any minor

typographical changes to be made, to address the comments received on the Publication Draft DPD or to respond to any additional requirements of the Planning Inspector who will be appointed by the Secretary of State to undertake the statutory formal public examination of the Waste DPD. These arrangements assume that no change will be made to the draft Waste DPD that would require the approval of Full Council as a change in policy under the Council's Constitution. There is a cost to delay, which is set out in paragraph 9.4 of this report. There is, therefore, a need to have a process in place for dealing efficiently with changes to the draft Waste DPD.

- 4.17 No sites have been identified in Wirral for waste disposal for landfill but the owner of the site at Carr Lane Brickworks in Moreton (which falls within Hoylake and Meols Ward but also lies directly adjacent to properties in Moreton West and Saughall Massie Ward) has given notice that they intend to object to the omission of this site from the list of sites allocated for inert landfill.

5.0 RELEVANT RISKS

- 5.1 The main risk in not progressing the Waste DPD is that planning applications will need to be determined without reference to an up-to-date Development Plan and in the absence of a sub-regional approach to site selection.
- 5.2 The National Planning Policy Framework, which is the subject of a separate report on tonight's agenda, proposes to introduce a presumption in favour of sustainable development, which will mean that planning applications must be considered favourably in the absence of an up-to-date Development Plan, which will also have implications for planning decisions at appeal.
- 5.3 The failure to provide facilities to minimise the amount of waste going to landfill and to adopt an up-to-date Development Plan for waste within a reasonable timescale could also attract European fines.

6.0 OTHER OPTIONS CONSIDERED

- 6.1 The preparation of a Waste DPD is a requirement of national policy. The cost savings to the authorities of preparing a joint Waste DPD and supporting a specialist joint waste team were assessed at the outset of the partnership and compared with the cost of preparing a separate Waste DPD for each district before the decision to enter the partnership was taken. The other consequences of not preparing a Waste DPD are set out in section 5.0 above.

7.0 CONSULTATION

- 7.1 Consultation at each stage has been undertaken to comply with the requirements of the Council's Statement of Community Involvement adopted in December 2006.
- 7.2 The draft Waste DPD will be published for comment for six weeks to allow any final comments on the "soundness" of its policies and proposals before being submitted to the Secretary of State for public examination alongside the comments received.
- 7.3 A consultation period of not less than six-weeks is specified in national Regulations. Anyone who makes a representation within this period must be notified of the submission of the Waste DPD and has a right to appear before and be heard by the

Planning Inspector appointed to undertake the public examination, if they are seeking to change the Waste DPD.

- 7.4 Paper copies of the consultation documents will be placed for public inspection at all public libraries and Council One Stop Shops and at the public counter of the Technical Services Department at Cheshire Lines and will also be made available on request. Electronic copies of the consultation documents will be placed on a dedicated consultation portal at <http://wasteplanningmerseyside.gov.uk/site.do> with a link from the Council's Local Development Framework homepage at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework>.
- 7.5 Previous respondents and contacts will be notified by email and/or letter. Press releases will be issued and public notices will be published for two consecutive weeks in the local free press and Daily Post. Notification letters will also, as previously, be sent to properties surrounding the proposed allocated sites and Areas of Search.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 8.1 A wide range of voluntary, community and faith groups, who have previously expressed an interest in local planning policies, will continue to be notified as part of the consultation process.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 9.1 The Waste DPD is being prepared by specialist officers employed by Sefton Council, funded by contributions from the six partner authorities, as part of a sub-regional waste unit within the Merseyside Environmental Advisory Service guided by a Steering Group of senior representatives from each of the six local authorities, chaired by St Helens Council as the lead authority for spatial planning for the Liverpool City Region Cabinet.
- 9.2 Wirral Council's contribution to joint working on the Waste DPD, based on the proportion of total waste arisings from each district, was £35,894 during 2010/11. The contributions for 2011/12 and 2012/13 are expected to be £32,721 and £20,055, with an additional sum of £25,000 set aside to cover the costs of the public examination, which can be met from existing resources within Corporate Services. The final costs of the examination will depend on the scale and nature of the representations received on the Publication Draft Waste DPD.
- 9.3 Consultation on the Publication Draft, including notifications to surrounding properties and statutory notices in the local press, to comply with the Council's statutory Statement of Community Involvement adopted in December 2006, is expected to cost up to £4,000, which can be met from existing resources within Corporate Services.
- 9.4 A delay in the preparation of the Waste DPD would have an estimated monthly cost to the six councils of £15,000, for which no budget has been identified.

10.0 LEGAL IMPLICATIONS

- 10.1 Once adopted, the Waste DPD will form part of the statutory Development Plan for Wirral and will replace the policies contained within Section 17 – Waste Management in the Council's Unitary Development Plan (UDP) adopted in February 2000.

11.0 EQUALITIES IMPLICATIONS

11.1 The Waste DPD has been subject to an ongoing Equality Impact Assessment prepared by the Merseyside Environmental Advisory Service.

12.0 CARBON REDUCTION IMPLICATIONS

12.1 The Waste DPD will support carbon reduction through the sub-regional approach to site selection; reducing the need for the landfilling of waste; and policies for development management.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 Once adopted, the Waste DPD will be used as the basis of decisions on individual planning applications. The content of the associated evidence base is also capable of being a material consideration in future planning decisions.

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APPENDICES

Appendix 1 - Core Briefing Report
Appendix 2 - Draft Publication DPD
Appendix 3 – List of Supporting Documents
Appendix 4 – Preferred Options 2 Consultation on New Sites Results of Consultation Report

REFERENCE MATERIAL

Copies of previous consultation documents and additional background material can be viewed on the Waste Planning Merseyside Website at <http://wasteplanningmerseyside.gov.uk/site.do>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet (Approval of Preferred Options) (Minute 309)	4 February 2010
Cabinet (Approval of Preferred Options 2) (Minute 284)	13 January 2011