

WIRRAL COUNCIL

CABINET

6 SEPTEMBER 2012

| | |
|--------------------------------------|---|
| SUBJECT: | LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – JOINT WASTE LOCAL PLAN FOR MERSEYSIDE AND HALTON – APPROVAL OF MODIFICATIONS |
| WARD/S AFFECTED: | ALL THE MODIFICATIONS TO POLICY WM2 (APPENDIX 2, MM-003, PAGE 7) WILL AFFECT ROCK FERRY WARD THE MODIFICATIONS TO POLICY WM5 (APPENDIX 2, AM-041, PAGE 29) WILL AFFECT SEACOMBE WARD |
| REPORT OF: | DIRECTOR OF REGENERATION, HOUSING AND PLANNING |
| RESPONSIBLE PORTFOLIO HOLDER: | COUNCILLOR PAT HACKETT, REGENERATION & PLANNING STRATEGY |
| KEY DECISION? | YES |

1.0 EXECUTIVE SUMMARY

1.1 The Joint Waste Local Plan for Merseyside and Halton was submitted to independent public examination in February 2012. The Planning Inspector undertaking the examination has identified the need for further modifications before the Plan can be found to be legally compliant and sound. These further modifications require the approval of Council in accordance with the Council's Constitution, to allow additional public consultation to take place to comply with procedural requirements and to complete the examination process.

2.0 BACKGROUND AND KEY ISSUES

2.1 A Joint Waste Local Plan for Merseyside and Halton has been prepared 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 refers), through a specialist technical team provided as part of the Merseyside Environmental Advisory Service. The Plan sets out land-use planning policies for waste-related development, including the allocation of sites for sub-regional and district scale waste facilities.

2.2 The final Plan was published for public comment between 25 November 2011 and 20 January 2012 and submitted to the Secretary of State for independent public examination on 17 February 2012 (Cabinet, 22 September 2011, Minute 125 refers). The public hearings for the examination were held by a Planning Inspector at St Helens Town Hall, over six days during mid to late June 2012. The publication of the Inspector's report is the last stage before the Plan can be formally adopted by each of the districts.

2.3 The Joint Waste Local Plan cannot be adopted unless the Planning Inspector finds that the Plan is legally compliant and sound. To be sound the Plan must be positively prepared to meet objectively assessed needs; justified as the most appropriate strategy

when considered against the reasonable alternatives; effective in terms of being deliverable; and consistent with national policy to enable the delivery of sustainable development (National Planning Policy Framework, paragraph 182).

- 2.4 During the examination hearings, the Inspector indicated a number of areas where she believed that further changes would be needed. A Core Content Report setting out the wider background to the modifications is set out in Appendix 1 to this report. The changes that are required to make the Local Plan sound are shown as “Main Modifications” in Appendix 2 to this report (pages 3 to 14). Changes that do not directly involve the soundness of the Local Plan but are nevertheless required to improve its accuracy or clarity are shown as “Generic Modifications” and “Additional Modifications” in Appendix 2 to this report (pages 15 to 53).
- 2.5 The only site-specific Main Modification relevant to Wirral would exempt the site at Cammell Lairds, which is allocated as a sub-regional site under Policy WM2, from wording that could be seen to restrict the use of the site for other uses, such as port-related uses (Appendix 2, Modification Reference MM-003, page 7 refers). The only other Wirral-specific modification would clarify the geographical description of the Area of Search already identified at Seacombe in Policy WM5 (Appendix 2, Modification Reference AM-041, page 29 refers).
- 2.6 The Council’s Constitution requires that any modifications to the Joint Waste Local Plan must be approved by Full Council. The proposed modifications must then be made subject to public consultation, so that the Inspector can consider any additional representations before completing her report.

3.0 RELEVANT RISKS

- 3.1 There is a risk that additional comments from third parties not present at the public examination could lead the Planning Inspector to conclude that further modifications are necessary, which could require a further round of Council approvals and public consultation to be undertaken. The position of third parties cannot be predicted but this risk has been reduced by ensuring that the modifications proposed are the minimum necessary to secure the soundness and factual clarity of the Plan and take full account of national policy and legislation. The Inspector can also re-open the hearing sessions to allow any additional issues to be resolved.
- 3.2 There is a risk that approval is not forthcoming from one of the partner authorities which has been reduced by joint working and collaboration throughout the Plan preparation and public examination process.
- 3.3 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 attract European fines, should the Merseyside pooled target of 50% household waste recycling not be met by 2020.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 The public examination and future adoption of the Joint Waste Local Plan cannot be completed unless modifications to secure the soundness of the Plan are approved and the legal and procedural requirements for additional consultation have been complied with.

- 4.2 The absence of an up-to-date Local Plan would mean that planning applications would need to be determined in accordance with the national presumption in favour of sustainable development.

5.0 CONSULTATION

- 5.1 Consultation will be undertaken over a period of six weeks to comply with the Statement of Community Involvement adopted by the Council in December 2006 and national regulations.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 Voluntary, community and faith organisations will be consulted in line with the requirements of the Council's Statement of Community Involvement.

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

- 7.1 The Council's contribution towards the cost of preparing the Waste Local Plan is expected to be £20,055 during 2012/13 to be met from existing resources in Regeneration, Housing and Planning. A sum of £25,000 has also been set aside as the Council's contribution towards the costs of running the public examination. The final cost of the examination, which has not yet closed, is as yet unknown.

- 7.2 The need to extend the timetable for the preparation of the Joint Waste Local Plan and to undertake additional consultation is estimated to cost an additional £11,257 which can be met from existing resources within Regeneration, Housing and Planning.

8.0 LEGAL IMPLICATIONS

- 8.1 The Joint Waste Local Plan cannot be adopted unless it is found to be legally compliant and sound by the Planning Inspector conducting the public examination. Additional consultation is an essential procedural requirement.

9.0 EQUALITIES IMPLICATIONS

- 9.1 The Joint Waste Local Plan has been subject to an ongoing Equality Impact Assessment prepared by the Merseyside Environmental Advisory Service (*Document PS-025*), which can be viewed at: http://merseysideeas-consult.limehouse.co.uk/portal/public_docs/wdpc_docarchive?tab=files.

- 9.2 A review of the Equality Impact Assessment, dated 25 July 2012, which has concluded that the modifications proposed would have no additional impact in Wirral can be viewed at <http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/regeneration-housing-planning>.

10.0 CARBON REDUCTION IMPLICATIONS

- 10.1 The Joint Waste Local Plan will support carbon reduction through a sub-regional approach to site selection; reducing the need for landfill; and policies for development management.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 11.1 Once adopted, the Joint Waste Local Plan will form part of the statutory Development Plan for the Borough and will be used in the determination of individual planning

applications as a replacement for Section 17 – Waste Management of the Council’s Unitary Development Plan adopted in February 2000.

11.2 The Joint Waste Local Plan includes considerations related to a full range of environmental impacts including amenity, health and transport and has been subject to statutory sustainability appraisal including strategic environmental assessment.

12.0 RECOMMENDATION/S

12.1 That Cabinet recommends to Council that the proposed modifications to the Joint Waste Local Plan for Merseyside and Halton set out in Appendix 2 to this report are approved and that the proposed modifications are approved for public consultation.

12.2 That Cabinet recommends to Council that delegated authority is given to the Director of Regeneration, Housing and Planning to make any necessary further minor and typographical changes to the Waste Local Plan before Council approval is sought for the adoption of the final Plan.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 To comply with legal and procedural requirements to allow the public examination of the Joint Waste Local Plan for Merseyside and Halton to be concluded.

REPORT AUTHOR: **Andrew Fraser**
Forward Planning Manager
telephone: (0151) 691 8218
email: andrewfraser@wirral.gov.uk

APPENDICES

Appendix 1 – Core Content Report
Appendix 2 – Schedule of Modifications

REFERENCE MATERIAL

Additional background information relating to the preparation of the Joint Waste Local Plan, including the text of the Submitted Local Plan (Document Archive, Document SUB_001) can be viewed at <http://www.wasteplanningmerseyside.gov.uk/site.do>

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|---|--|
| <u>Approval of Preferred Options</u> Cabinet (Minute 309) Council (Minute 97) | 4 February 2010 15 February 2010 |
| <u>Approval of Preferred Options 2</u> Cabinet (Minute 282) Council (Minute 82) | 13 January 2011 14 February 2011 |
| <u>Approval of Publication and Submission</u> Cabinet (Minute 125) Council (Minute 46) | 22 September 2011 17 October 2011 |