

# WIRRAL COUNCIL

## DELEGATED DECISION

<b>SUBJECT:</b>	<b>LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – JOINT WASTE LOCAL PLAN FOR MERSEYSIDE AND HALTON – RECOMMENDATION TO FORMALLY ADOPT</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>  <b>SITE ALLOCATIONS AFFECT THE WARDS OF BIDSTON AND ST JAMES, BIRKENHEAD AND TRANMERE, ROCK FERRY AND SEACOMBE</b>
<b>REPORT OF:</b>	<b>THE STRATEGIC DIRECTOR FOR REGENERATION AND ENVIRONMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR PAT HACKETT, REGENERATION &amp; PLANNING STRATEGY</b>
<b>KEY DECISION?</b>	<b>YES</b>

### 1.0 EXECUTIVE SUMMARY

1.1 The Joint Waste Local Plan for Merseyside and Halton was submitted to the Secretary of State for public examination by a Planning Inspector in February 2012. The Inspector's Report to the Joint Merseyside and Halton Councils recommends that the Joint Waste Local Plan can now be formally adopted subject to modifications that were made subject to public consultation in November 2012. This report therefore recommends that the Joint Waste Local Plan is now formally adopted by a resolution of Full Council to replace the policies previously contained within Section 17 – Waste Management of the Unitary Development Plan for Wirral adopted in February 2000.

### 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.
- 2.2 The Plan includes a vision for waste management; a series of strategic objectives; 16 policies that will be used in the future determination of planning applications; and an implementation and monitoring framework.
- 2.3 The Plan allocates three sites for additional built-facilities in Wirral: a sub-regional site at Cammell Lairds Shipyard, adjacent to the Tranmere Oil Terminal (Rock Ferry Ward); and two smaller sites for district-scale facilities at existing waste sites at Wallasey Bridge Road in Birkenhead (Bidston and St James Ward); and identifies two more general Areas of Search for additional small-scale re-processing sites in the industrial areas to the north of the Dock Road on the north bank of the West Float docks (Seacombe Ward) and associated with the Cammell Laird Shipyard (within the Wards of both Birkenhead and Tranmere and Rock Ferry).

- 2.4 The final draft 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. Modifications arising from the examination were published for public consultation for six weeks in November 2012 (Cabinet, 6 September 2012, Minute 80 and Council, 15 October 2012, Minute 51 refer). The comments received were reported to the Planning Inspector who concluded that no further changes would be necessary.
- 2.5 The only Wirral-specific main modification provides an exemption from waste-only uses at Cammell Lairds, to continue to allow for port-related uses including provision for offshore energy infrastructure (Site W1 – Campbeltown Road, paragraphs 139 and 140 of the Inspector’s Report and Main Modification MM-003 refer).
- 2.6 The Inspector’s Report to the Joint Merseyside and Halton Councils, which was received in March 2013, has concluded that the Local Plan would satisfy the necessary legal requirements and meet the criteria for soundness in the National Planning Policy Framework if it was modified in line with the main modifications set out in the Appendix to her report. The Local Plan can now therefore be brought into force by being formally adopted by each of the six council partners, which will require a resolution to adopt from each Full Council.
- 2.7 Adoption will require the final text of the modified Local Plan, a statement of adoption and the accompanying sustainability report to be made available for public inspection and for copies of the statement of adoption to be sent to people who had previously asked to be notified of adoption, including the Secretary of State. The Council’s Statement of Community Involvement (December 2006) will also require copies to be placed on deposit at the North Annexe at Wallasey Town Hall, public libraries and Council-run One Stop Shops; adverts to be placed in the local press; and notification letters to be sent to the immediate neighbours of the site-specific proposals and to contacts on the Local Development Framework database.
- 2.8 Adoption will also require consequential amendments to public and Council records and information including Local Searches, planning hazards maps and references to the Unitary Development Plan on the Council’s website and in public deposit locations.
- 2.9 Adoption will be subject to a statutory period for judicial review which will extend for a period of six weeks from the date of the adoption of the Local Plan.
- 2.10 A Core Content Report prepared by the Merseyside Environmental Advisory Service on behalf of the partner councils is attached at Appendix 1 to this report.

### **3.0 RELEVANT RISKS**

- 3.1 The formal adoption of the Local Plan concludes the statutory process for the preparation of the Joint Waste Local Plan.
- 3.2 There is a risk that one of the partner councils could refuse to adopt the Local Plan as modified, which should be mitigated by the prior approval of the modifications through a series of previous Full Council resolutions during late 2012.

- 3.3 The risk that formal adoption could be delayed by one or more individual council has been mitigated by an informal agreement between the partners to progress adoption together during the summer of 2013 and for the resolutions to adopt to come into effect one working day after the final Council resolution has been confirmed.
- 3.4 The risk of legal challenge should be mitigated by the previous compliance with legal procedures which have already been tested at public examination.
- 3.5 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 absence of an up-to-date Local Plan would mean that planning applications for waste-related uses would need to be determined in the absence of up-to-date local policies in accordance with the national presumption in favour of sustainable development.

#### **5.0 CONSULTATION**

- 5.1 Statutory and non-statutory public and stakeholder consultation has taken place throughout the preparation of the Local Plan and on the modifications arising from the public examination. There is no requirement for further consultation, other than a series of statutory notifications, prior to formal adoption.
- 5.2 The Inspector's Report has been published on the Council's website at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/joint-merseyside-waste-development-plan> and paper copies have been placed for public inspection at the public counter of the North Annexe at Wallasey Town Hall and in all public libraries and Council-run One Stop Shops. People who had previously asked to be notified of the receipt of the Inspector's Report have been notified by letter by the Merseyside Environmental Advisory Service.

#### **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 6.1 Voluntary, community and faith organisations have been consulted throughout the preparation of the Local Plan, in line with the requirements of the Council's Statement of Community Involvement (December 2006).

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

- 7.1 The Council's contribution towards the cost of the examination, printing and adoption of the Joint Waste Local Plan will be £17,000 during 2013/14, which is £8,000 less than previously reported, will be met from existing resources in Regeneration and Planning.
- 7.2 Approximately £3,500 will need to be set aside from existing resources in Regeneration and Planning for the publication of public notices.
- 7.3 The Council's contribution towards the ongoing monitoring and implementation of the Joint Waste Local Plan will be met as part of the Council's ongoing contribution to the shared services provided by the Merseyside Environmental Advisory Service and will be reported through the Council's statutory Monitoring Reports.

- 7.4 The adoption of the Joint Waste Local Plan will require the Council's statutory Local Development Scheme, which sets out the Council's programme for the preparation of Local Plans, to be amended, which will be the subject of a further report to Cabinet.
- 7.5 Other modifications, amendments and notifications arising from the adoption of the Local Plan will be met from existing resources in Regeneration and Planning.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 The Joint Waste Local Plan can only be adopted in line with the recommendations of the Planning Inspector. Once formally adopted by a resolution of Full Council, the Joint Waste Local Plan will have status as part of the statutory Development Plan for Wirral.
- 8.2 If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must legally be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3 The Joint Waste Local Plan will replace the policies contained within Section 17 – Waste Management, of the Unitary Development Plan for Wirral which was adopted by the Council in February 2000.

## **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/wdpd\\_docarchive?tab=files](http://merseysideeas-consult.limehouse.co.uk/portal/public_docs/wdpd_docarchive?tab=files) or at <http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/regeneration-housing-planning> (Document entitled "Joint Waste DPD publication").
- 9.2 A review of the Equality Impact Assessment, dated 25 July 2012, which 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> (Document entitled "Joint Waste DPD proposed modifications").

## **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 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 and Habitats Regulations Assessment.

## **12.0 RECOMMENDATION/S**

- 12.1 That the Portfolio Holder for Regeneration and Planning Strategy recommends to Council that the Joint Waste Local Plan for Merseyside and Halton which was submitted to the Secretary of State for public examination in February 2012 is formally adopted as part of the statutory Development Plan for Wirral subject to the modifications published for public consultation in November 2012.
- 12.2 That the Council's resolution to adopt the Joint Waste Local Plan, as modified, will come into effect one working day after the final full Council resolution of each of the six partner councils has been passed.
- 12.3 That following the date the Council's resolution comes into effect, the Head of Service for Regeneration and Planning is authorised, alongside the other partner councils, to publish and make the final version of the modified Joint Waste Local Plan available for public inspection and to issue the necessary notices and notifications in accordance with the requirements of national regulations and the Council's Statement of Community Involvement (December 2006).
- 12.4 That when publishing the final version of the modified Joint Waste Local Plan, the Head of Service for Regeneration and Planning is given delegated authority to approve any presentational or minor typographical changes that will not materially alter the content, meaning or effect of the modified Local Plan, including the addition of a foreword to be signed by representatives of each of the partner councils.
- 12.5 That the monitoring and implementation of the Joint Waste Local Plan is undertaken alongside the Council's partners as part of the existing contract with the Merseyside Environmental Advisory Service.
- 12.6 That this report is referred to Planning Committee for information.

## **13.0 REASON/S FOR RECOMMENDATION/S**

- 13.1 To comply with the legal and procedural requirements necessary to formally conclude the preparation and adoption of the Joint Waste Local Plan for Merseyside and Halton.

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## **APPENDICES**

- Appendix 1 – Core Content Report  
Appendix 2 – Report of Consultation on Modifications  
Appendix 3 – Joint Waste Local Plan for Merseyside and Halton (as modified)

## **REFERENCE MATERIAL**

Additional background information relating to the preparation of the Joint Waste Local Plan can be viewed through the Merseyside Waste Planning Website at <http://www.wasteplanningmerseyside.gov.uk/>

The text of the Local Plan submitted to the Secretary of State for public examination can be viewed in the Waste DPD Document Archive>Supporting Documents (Document SUB\_001) at <http://merseysideeas-consult.limehouse.co.uk/portal>

The text of the modifications published in November 2012 can be viewed in the Consultation on Modifications to the Waste Local Plan>Supporting Documents at <http://merseysideeas-consult.limehouse.co.uk/portal>

A copy of the Inspector's Report can be viewed on the Council's website at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/joint-merseyside-waste-development-plan>

### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b><u>Approval of Preferred Options</u></b>	
Cabinet (Minute 309)	<b>4 February 2010</b>
Council (Minute 97)	<b>15 February 2010</b>
<b><u>Approval of Preferred Options 2</u></b>	
Cabinet (Minute 282)	<b>13 January 2011</b>
Council (Minute 82)	<b>14 February 2011</b>
<b><u>Approval of Publication and Submission</u></b>	
Cabinet (Minute 125)	<b>22 September 2011</b>
Council (Minute 46)	<b>17 October 2011</b>
<b><u>Approval of Modifications</u></b>	
Cabinet (Minute 80)	<b>6 September 2012</b>
Council (Minute 51)	<b>15 October 2012</b>