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## ESSEX & SOUTHEND WASTE LOCAL PLAN - PROPOSED MODIFICATIONS

### 1 SUMMARY

- 1.1 This report considers the modifications proposed to the draft Essex and Southend Waste Local Plan following consideration of the Inspector's Report by Essex County Council and Southend Borough Council, the Waste Planning Authorities.

### 2 INTRODUCTION

- 2.1 The draft Essex & Southend Waste Local Plan was the subject of a Local Inquiry last year and the Inspector's Report was subsequently published in July 2000.
- 2.2 The joint Waste Planning Authorities (WPA), Essex County Council and Southend Borough Council have now considered the Inspector's recommendations and published a schedule of proposed modifications to the draft plan.
- 2.3 The modifications were placed on deposit on 29 March 2001 for a period of 6 weeks; Representations must be received by 11 May 2001. A copy of the Schedule of Modifications has been placed in the Members Room.

### 3 KEY MODIFICATIONS

#### **Waste Management Site MMM7 - West Rayleigh**

- 3.1 The single most significant modification as far as Rochford Council is concerned is the deletion of the proposed waste management site in West Rayleigh.
- 3.2 The Inspector concluded that the advice contained in PPG2 - Green Belts was significant and that there was no justification to depart from that advice in the Waste Local Plan. In considering the arguments put forward by the WPA's, the Inspector concluded:-

*"I have no doubt that this is an unacceptable site. It is undeveloped (green field), potentially visually prominent and in a particularly sensitive and threatened part of the Green Belt protecting adjoining towns from merging. Quintessentially, this tract of countryside fulfils the purposes for which the Green Belt was established. Significant waste management development would injure those purposes."*

#### **Principle of Incineration**

- 3.3 The WPA's have always argued, contrary to the opinion of Rochford Council and other Local Authorities in Essex, that the Waste Local Plan

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is not pro-incineration, but that to be complete, a Waste Local Plan must address incineration as an issue.

- 3.4 In a revision to paragraph 1.24 (renumbered as 1.21) the WPA's indicate that there will be a presumption against incineration until the targets for household waste recycling (as set out in the Working Together Statement) have been adequately tested. However, the WPA's go on to say that:

*"It would be unworkable for a planning policy to be specifically tied to the 'Working Together' document or its targets, which may change over time in the light of experience and practicality."*

**Need for Waste Development**

- 3.5 Revisions to the text of paragraph 3.26 and Policy W3C are proposed in accordance with the Inspector's recommendations that applicants should prove there is a need for a facility assessed against a number of principles, including whether the site represents the Best Practicable Environmental Option (BPEO). Policy W3C would only apply to proposals for facilities in excess of 25,000 tonnes per annum.

**Protection of the Countryside**

- 3.6 Revisions to paragraph 4.15 (renumbered 4.8) indicate that waste management facilities would not be acceptable in the open countryside if they require the erection of new buildings, nor would such development generally be appropriate in the Green Belt. However, it is then suggested that suitable locations might exist where there is re-use of existing buildings or on degraded or contaminated land and that small-scale sites for composting or recycling can provide employment and useful diversification for the rural economy.

**Energy from Waste Incineration**

- 3.7 Paragraph 7.36 of the plan deals with the principle of incineration and continues to argue that the waste plan neither supports nor opposes incineration, but recognises that it may play a part in the mix of waste management solutions.
- 3.8 Paragraph 7.37 confirms that incineration without energy recovery would not be acceptable in the Plan area. Paragraph 7.38, which in a sense conflicts with paragraph 7.36, indicates that the WPA does not rule out energy from waste incineration as a matter of policy, but does intend to impose constraints over permitting such plants.
- 3.9 Policy W7G deals specifically with the principle of incineration, with the WPA's arguing that such a policy is necessary to adequately control the inevitable applications that will be submitted. The Inspector's modifications have slightly tightened the policy, but it is still the case that proposals for incineration of waste may be permitted at locations other than those identified specifically in the Plan.

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**Location**

- 3.10 In paragraph 8.27, the WPA's admit that Green Belt sites should not be identified in the Plan, but there is a clear implication, given that applications for development in the Green Belt may be submitted and could receive approval if 'very special circumstances' were to be demonstrated.
- 3.11 Policy W8B has been substantially altered in accordance with the Inspector's recommendations. In principle, the policy indicates that waste management facilities will be permitted at locations other than those identified in the Plan, provided those sites comply with the criteria set out in the Plan. Larger waste management facilities will not be permitted, unless it can be shown that the locations identified in the Plan are less suitable or not available for particular waste streams.
- 3.12 Policy W8C (previously Policy W4B) has also been extensively revised in light of the Inspector's recommendations. The policy confirms that, subject to a certain criteria, policies for smaller scale waste management facilities will be permitted in both urban and rural locations, subject to certain criteria.

**Preferred Locations for non-landfill proposals**

- 3.13 Paragraph 10.17 (renumbered 10.14) has been modified to indicate that, whilst the preferred locations for waste management facilities are identified in the Plan, such facilities may also be acceptable at other locations, subject to Policies W8B and W8C (mentioned above), to access being available for HGV's and where the level of environmental disturbance can be accommodated.

**4 DISCUSSION**

- 4.1 There is no doubt that it is extremely good news to see confirmation of the WPA's acceptance of the Inspector's recommendation in respect of the proposed waste management site in West Rayleigh. The decision to delete the site from the Plan must though be tempered with some words of caution.
- 4.2 There is no doubt that any waste management site specifically identified in the Plan will be a target for the development of facilities. However, the Plan clearly suggests that planning applications will be forthcoming for the development of waste management facilities on sites that are not specifically identified in the Plan. Therefore, there is always the possibility that an application could be lodged in the future for a waste management facility on the West Rayleigh site.
- 4.3 The Inspector's conclusions about the West Rayleigh site are extremely helpful in that they state in no uncertain terms the fact that the site does make a very important contribution to the Green Belt. Members should, nevertheless, be under no illusions that the removal

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of the site from the Plan may not be an end to the matter. It is to be hoped that this is the case, but there can be no guarantees.

- 4.4 If an application were submitted for development on this site, it would be assessed against the policies within the Waste Local Plan as well as national policies, including Green Belt. Therefore, it is very important to examine the implications of other proposed modifications as outlined above.
- 4.5 The statement indicating that there will be a presumption against incineration until targets for household waste recycling is probably worthy of support. However, the WPA's are not willing to identify any specific level to be achieved for recycling. In other words, the targets in the "Working Together" document might be reached, but the WPA's could continue to support the principle of incineration. It is considered that the Waste Local Plan should be more specific and clearly indicate that incineration will not be an option for consideration, assuming recycling targets are achieved.
- 4.6 It could, of course, be argued that the introduction of a specific policy statement about recycling targets could be viewed negatively in that if they are not achieved, then proposals for incineration are more likely. However, it is felt that, on balance, the inclusion of targets sends a clear message of what needs to be achieved.
- 4.7 The requirement for applicants to prove there is a need for a facility assessed against a number of principles, including the BPEO is to be supported. This requirement would only apply to facilities over 25,000 tonnes p.a. and there is some concern that proposals just below this threshold will be submitted in an attempt to avoid providing such a justification. The WPA's should be asked to consider this issue further.
- 4.8 Given the tone of much of the Plan, it is difficult to understand how the WPA's can justify making a statement to the effect that the Plan neither supports nor opposes incineration. It seems clear that there is an expectation that proposals for incinerators in Essex will be forthcoming.
- 4.9 The Plan goes so far as to say that the WPA's do not rule out energy from waste incineration as a matter of policy. The fact that there may be an energy by-product and specified constraints over the provision of such plants is not considered to be sufficient to allay concerns.
- 4.10 Policy W7G (previously W7K) is one of the key policies in the Plan and this suggests very clearly that proposals for waste incineration on locations other than those identified in the Plan may be permitted, albeit subject to certain criteria. Policy W7G is certainly at variance with the statement made earlier that the Plan neither supports nor opposes incineration. This policy offers a very significant degree of support.

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- 4.11 There is no doubt that some safeguards are built into the Plan in respect of the development of waste management facilities within sensitive areas, including Green Belt. Nevertheless, the Plan's tacit acceptance of incineration and the strong likelihood of applications coming forward on sites not specifically allocated in the Plan, gives cause for concern.

## **5. CONCLUSIONS**

- 5.1 The Plan remains highly supportive of the principle of incineration.
- 5.2 There is positive encouragement for the submission of applications for waste management facilities on sites not specifically allocated in the Waste Plan.
- 5.3 There is no policy link to the targets for waste recycling identified in the 'Working Together' document.
- 5.4 The deletion of the proposed waste management site in West Rayleigh is to be welcomed. However, the Plan accepts that applications will be submitted on sites with no allocation and notwithstanding the clear statement from the Inspector, there must be an ongoing concern that this site remains vulnerable.

## **6 RECOMMENDATION**

- 6.1 It is proposed that Council **RESOLVES**

That, subject to additional views from Members, the comments in this report form the basis of the Council's response to the Schedule of Modifications to the Essex and Southend Waste Local Plan. (HPS)

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### **Background Papers:**

Essex and Southend Waste Local Plan – Schedule of Modifications

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