

ESSEX AND SOUTHEND WASTE LOCAL PLAN – INSPECTORS REPORT

1 SUMMARY

- 1.1 This report briefly summarises the contents of the Inspector's Report into the Essex and Southend Waste Local Plan and outlines the next steps in the process towards final adoption of the Plan. In particular, once the County and Southend publish their proposed modifications to the Plan further detailed work will be required to fully assess the implications for Rochford. The Essex Consortium of Waste Authorities will also be examining the Inspectors Report and the proposed modifications and the views of the Consortium will be reported to Members. The preparation of a Waste Local Plan is a statutory function of the County Council and Southend Borough Council.

2 INTRODUCTION

- 2.1 This report provides a brief initial assessment of the implications of the Inspector's Report into the Essex & Southend Waste Local Plan. The Local Plan Inquiry took place between 26 October 1999 and 5 January 2000.

3 SUMMARY OF INSPECTOR'S RECOMMENDATIONS

- 3.1 In summary, the key points from the Inspector's Report are as follows:
- The Inspector would seem to broadly support the principles of the draft Waste Plan, rather than accepting the alternative stance promoted by the Consortium of Waste Authorities.
 - The Inspector supports the principle of site identification, though concludes that sites should only be identified as 'preferred locations' without the use of either of the terms 'major' or 'strategic'.
 - The waste local plan should not be delayed while a waste contract strategy is prepared and agreed. Further, the waste local plan should not determine the waste contract strategy or follow from the choice of waste management systems.
 - Incineration should not be ruled out as an option. There should be a policy in the Plan to deal with applications for incinerators which cannot be ruled out as coming forward, notwithstanding a site not being identified in the Plan.

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- Environmental Assessment should be considered as the key to deciding on the suitability of processes.
 - There should be a large number of smaller sites identified, though this may have to wait for a review of the Plan.
 - The Plan should focus on catering for local needs.
 - The Inspector considers it will be very difficult to prevent waste coming into the County in the foreseeable future.
 - The exclusion of two 'major' green belt sites – the Inspector concluded that a case had not been made of the allocation of green belt sites, despite his conclusions about the identification of sites in the Plan. However, the fact that a case has not been made, does not preclude applications being submitted in the future and further information being provided that does seek to justify such development in the Green Belt.

4 STRUCTURE PLAN

- 4.1 It is important to consider the impact on the proposed waste policies in the Structure Plan which is moving rapidly forward to adoption.
- 4.2 There is no doubt that the Structure Plan, if adopted in its current form, would immediately be in conflict with the Inspector's recommendations on the Waste Local Plan. The County and Southend have taken legal advice on this matter and concluded that it would not be advisable to seek to adopt the Structure Plan without changes to the waste management policies. The case has not been made for the inclusion of green belt sites.
- 4.3 It is understood that the County and Southend may go forward with a resolution to adopt the Structure Plan, apart from the waste policies that would be made the subject of a second modification process. Therefore, the Council will be able to make further representations on the waste policies if it was considered appropriate to do so.

5 TIMETABLE

- 5.1 The arrangements for considering the Inspectors Report were discussed at a meeting of the Essex County Council and Southend on Sea Council Joint Advisory Panel on Monday 11 September 2000. It seems that the County Council and Southend Borough Council are aiming to place modifications to the Waste Plan on deposit in early 2001. Final decisions on the details of the modifications will need to be considered in early December. Following the meeting on the 11 September, the County's Executive Board considered the Waste Plan on 27 September and a copy of the draft modifications arising from that meeting have been placed in the Members Room. A full analysis

of the contents of the draft modifications will be prepared as soon as possible.

- 5.2 On 5 September 2000, the County's Environmental Services Scrutiny Committee began an examination of the proposed modifications. Unlike earlier meetings of the scrutiny committees, this meeting was open to the public, but no one was invited to participate in the debate. The County and Southend have taken advice and concluded that it is not legally acceptable to discuss the proposed modifications in advance of their agreement by both authorities in December. Therefore, at this stage, it seems there will not be an opportunity for Member level meetings with the County and Southend to discuss the best way forward. This issue is discussed further later in the report.
- 5.3 Whether or not there will be an opportunity for Member level meetings, the formal opportunity to respond with the Council's (and Consortium's) views will not be until the modifications to the Plan are placed on deposit in early 2001.
- 5.4 It should be noted that references to committees above relate to the County Council. However, Southend will be processing reports through their committees to a similar timetable.

6 IMPLICATIONS FOR ROCHFORD

- 6.1 At this early stage in the consideration of the Inspector's Report it is too early to be clear about the implications for Rochford. Whilst it is good news that the Inspector has recommended the exclusion of the west Rayleigh site, he has also recommended that incineration remain an integral part of the Plan and that policies be put in place against which applications might be judged.
- 6.2 The Inspector makes it very clear that the existence or otherwise of allocated sites in the Waste Plan will not preclude applications being submitted for waste management facilities, including incinerators.
- 6.3 On a more positive note, the Inspector does seem to have some sympathy for the case put forward by the Consortium. However, in making his recommendations, he has tempered those sympathies on the basis that PPG10 Planning and Waste Management provides the latest guidance on waste planning matters and that it would not be appropriate for him to make recommendations that do not accord with its advice.
- 6.4 Whilst the Inspector has recommended the retention of six of the proposed large sites, he has also indicated that it will be important to identify smaller sites for the provision of waste management facilities. This reflects the proposals put forward by the Consortium that a network of smaller sites is the best way for dealing with waste at a local level.

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- 6.5 On 5 October 2000, the Essex Consortium met to discuss the implications of the Inspector's Report. The Consortium concluded that it should:
- Maintain a blanket objection to the 'six' preferred sites;
 - Make clear that substitute 'preferred locations' should not be sought in South Essex to make up for the rejection of the two Green Belt sites; and
 - Maintain its stance on incineration.
- 6.6 The Consortium has taken legal advice on the possibility for Member level meetings to discuss the proposed modifications. The advice indicates that Waste Collection Authorities are in a different position from other objectors and interested parties and that there is no reason for meetings not to take place. Accordingly, the Consortium has agreed to contact the County and Southend in the hope that suitable arrangements can be agreed.
- 6.7 In the absence of the opportunity to examine the draft modifications in more detail at the time of writing this report, it is considered that Members might wish to support the recommendations of the Consortium until further analysis of the implications of the modifications can be prepared. Members will need to bear in mind, as indicated above, that the formal opportunity to make representations will not be until the modifications are placed in deposit, probably in the early New Year.

7 ENVIRONMENTAL IMPLICATIONS

- 7.1 There is still every possibility that applications for waste management facilities, including incinerators, may be submitted to the County for development within Rochford District. The Inspector in his Report on the Waste Local Plan has argued that the Plan's policies as modified will provide the necessary safeguards to ensure that proposals that have the potential to damage the environment can be resisted.
- 7.2 Proposals for development of waste management facilities in the Green Belt may still be submitted notwithstanding the recommendation for the deletion of the West Rayleigh site.

RECOMMENDATION

It is proposed that the Committee **RESOLVES**

That the Consortium's recommendations be agreed, and that further detailed reports on the implications of the Inspector's recommendations on the Essex and Southend Waste Local plan be reported in due course. (HCPI)

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Background Papers:

Essex and Southend Waste Local Plan – Draft Modifications – September 2000

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