

**WASTE LOCAL PLAN: DRAFT ISSUES AND OPTIONS FOR CONSULTATION
AS PART OF THE REPLACEMENT WASTE LOCAL PLAN (WASTE
DEVELOPMENT PLAN)**

Report of the Director of Environment

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1. Purpose of report

To seek approval for consultation on an Issues and Options document relating to the replacement of the adopted Waste Local Plan.

2. Summary

- 2.1 The Waste Local Plan 1995-2005, adopted in July 1999, forms part of the Development Plan for Hertfordshire, guiding how and where waste management should take place within the county. Government advice is that plans should be reviewed at least every five years.
- 2.2 The Government has proposed significant changes to the planning system and these proposals are embodied in the Planning and Compulsory Purchase Act 2004, which comes into effect in September. The Act proposes the replacement of local plans, including Minerals Local Plans and Waste Local Plans with Local Development Frameworks, which will provide a "folder" for Development Plan Documents.
- 2.3 The Waste Local Plan is coming towards the end of its life and is need of review. It is intended that this review be carried out under the new procedures and so will ultimately be a replacement plan, known as the Waste Development Plan.
- 2.4 The Draft Issues and Options consultation would be the first formal consultation on the Waste Development Plan. Much of the document provides background information to help inform consultees when responding to the Issues and Options. The Options themselves have been developed after scoping the adopted plan to identify any gaps or updating requiring changes to the plan. At this stage there are no

preferred options. It is intended that this consultation will help inform developing preferred options and consequential draft policies.

2.5 The objectives of the consultation would be:

- i) to raise awareness about the emerging Waste Development Plan;
- ii) to inform the next stages of the Waste Development Plan process including preferred options and the site selection process.

2.6 It is therefore intended that the document be publicised and circulated as widely as possible for an eight week consultation period during October/November, including via the County Council's website.

3. Conclusion

3.1 The Issues and Options consultation will be an important first step in terms of:

- inviting responses to inform the next steps of taking forward the Waste Development Plan;
- raising awareness about the process of the Plan's development; and
- raising awareness of the issues that are associated with its development.

3.2 Cabinet are asked to consider approving consultation on the draft Issues and Options.

1. Background

- 1.1 The Hertfordshire Waste Local Plan 1995-2005, adopted in July 1999, forms part of the Development Plan for Hertfordshire, guiding how and where waste management should take place within the county. Government advice is that plans should be reviewed at least every five years.
- 1.2 The Government has proposed significant changes to the planning system and these proposals are embodied in the Planning and Compulsory Purchase Act 2004, which comes into effect in September. The Act proposes the replacement of local plans, including Minerals Local Plans and Waste Local Plans with Local Development Frameworks, which will provide a “folder” for Development Plan Documents. Adopted local plans will be “saved” for a period of three years from the Act coming into effect.
- 1.3 The Waste Local Plan is coming towards the end of its life and is in need of review. It is intended that this review be carried out under the new procedures and so will ultimately be a replacement plan, known as the Waste Development Plan. All of the preparatory work to date has been carried out on this basis.
- 1.4 Whilst it was originally intended that an initial consultation be carried out earlier this year, the advice from GO-East has been that any consultation on the new plans, and in particular on Issues and Options would have to wait until the Act came into effect if it is to be taken into account as part of the new process.
- 1.5 Under Government guidance and EU regulations the Waste Development Plan has to be the subject of Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) at each stage of the plan process. Work on this has commenced and has underpinned the development of a draft Issues and Options Paper, which will form the basis of the first formal stage of consultation on the Plan.
- 1.6 In developing the Draft Issues and Options the Waste Planning Panel has undertaken a considerable amount of background work. This has included:
 - background on the new planning system;
 - implications of the Regional Waste Management Strategy for Hertfordshire;
 - definitions of waste and options for treatment;
 - overview of the waste management targets for Hertfordshire;
 - overview of new technologies for waste management;
 - potential options for site selection methodology;
 - overview of land availability in Herts for waste management uses

- updates on Defra initiatives including the Waste Implementation Programme
 - consideration of a draft Issues and Options paper
- 1.7 In addition the Panel have visited five different types of waste management facility, to gain an understanding of the various land-use implications arising from different types of management facilities. The sites visited were:
- Westmill Quarry, near Ware – engineered landfill site
 - Ware Quarry – landfill gas utilisation plant (electricity generated from methane)
 - Waste Management Park at Waterbeach in Cambridgeshire – in-vessel composting
 - Electronic and electrical equipment dismantling plant at Bushey
 - Chineham, Hampshire – waste incineration plant with energy generation.
- The panel also had a presentation from Shanks Waste Services Ltd on Mechanical Biological Treatment of residual wastes (various planning permissions have been granted in the UK, but there are no operational sites in this country at present although there are working examples in Europe).
- 1.8 Three workshops have also been held to assist with the background preparation of the Plan. The first, attended by a range of key stakeholders, was held last October, and looked at a number of the key issues likely to impact on the review of the Waste Local Plan. Over 30 people attended (from an invitation list of 55). The second was held on the same day, to provide input to developing the objectives against which the Strategic Environmental Assessment would be tested. The finalised objectives are attached in the draft appraisal document accompanying the draft Issues and Options Paper attached to this report at Appendices 1 and 2.
- 1.9 The third workshop was attended by district council planning and waste management officers. The Waste Development Plan will be an important vehicle for delivering the Hertfordshire Joint Municipal Waste Management Strategy (a joint strategy between the eleven waste management authorities in the county for the collection and management of municipal waste) and the workshop helped raise awareness of waste issues at the local level, particularly implementation issues, delivery mechanisms and site identification.
- 1.10 Additional background work, which is currently ongoing, is a waste industry survey to establish awareness of the existing Waste Local Plan, the sites identified in it, its usefulness in finding new sites and the sort of issues that the industry would wish the Waste Development Plan to

address, together with gathering some baseline information on existing capacity.

1.11 A survey is also being carried out to establish whether the sites identified in the adopted Waste Local Plan are still currently available.

1.12 It is also intended that consultants be appointed to assist with establishing future waste capacity requirements and site selection.

2. The New Development Plan Process

2.1 As indicated in paragraphs 1.2 – 1.3 above, it is intended that the review of the Waste Local Plan is carried out under the provisions of the Planning and Compulsory Purchase Act 2004.

2.2 The Waste Development Framework will include various Development Documents. Although final guidance is still awaited, the draft guidance indicates these will include:

- Core strategy
- Proposals map, containing:
 - Regional Spatial Strategies (RSS) policies (where mappable)
 - Existing waste facilities
 - Constraint areas
 - Major areas of population and industrial activity
 - Preferred Areas/ Areas of Search for all types of waste management facilities
 - Restoration (landfills)
- Area action plans (if needed), containing:
 - Recognition of waste management consequences of proposed development
 - Provision of management facilities in relation to other development – the proximity principles
 - Safeguarding of sites for future use
- Site-specific policies;
- Development Control policies;
- Supplementary Planning Documents;
- Statement of Community Involvement; and
- Any “saved” Local Plans

2.3 In addition local planning authorities need to produce a Local Development Scheme (LDS). The local development scheme sets out how the local planning authority (LPA) will develop their local development

framework over a three-year period. The local development scheme serves two purposes:

- i. it provides the starting point for the local community to find out what the LPAs planning policies are for the area in which they live, as it will set out the current documents which form the development plan for planning of the area; and
- ii. it sets out the programme for the preparation of local development documents over a three-year period including timetables which will tell people when the various stages in the preparation of any particular local development document will be carried out.

2.3 Programmes for development plan documents, which are subject to independent examination, and supplementary planning documents, which are not subject to independent examination, will be included in the local development scheme. The timetable will include a formal pre-submission public participation stage at which the preferred options of the LPAs development plan document will be published for comment. It will also set out when any draft supplementary planning documents will be published for comment. The scheme may also indicate in general terms what future work is proposed by the LPA, beyond the three-year period covered by the scheme.

2.4 The local development scheme will therefore be the document which the public can use to find out what the LPA is proposing to do and when, and at what stage they can expect to be involved in the planning process. The local development scheme has to be submitted to the Secretary of State (represented by the Government Office for the region in which the LPA is located). It will not be subject to independent examination and it will not be published for the public to make formal comment.

2.5 The local development scheme must be submitted within six months of the commencement of the Act. For Hertfordshire, it is intended that the scheme will cover both the Minerals Plan and the Waste Plan and will be developed in tandem with progressing the reviews of both plans.

2.6 Another key feature of the new system is the Statement of Community Involvement. The draft guidance states that the aim of the process of continuous community involvement in the new planning system should be to produce consensus, so far as possible, on the form and content of any local development documents which the LPA are preparing. Where this is successful in relation to the preparation of development plan documents, it will help to minimise the need for a lengthy and controversial examination process. However, it must be recognised that LPAs have to make difficult decisions on which it may not be possible to achieve consensus and it will be necessary to take any unresolved issues to the examination. To minimise the time taken at the examination, there should be meaningful involvement by all of those with an interest in the future of the area throughout the preparation of all local development documents. The process by which this will be achieved should be set out in the LPAs

statement of community involvement. Formal pre-submission public participation will allow the community to express views on this statement.

- 2.7 The Statement of Community Involvement will cover consultation on the Minerals Development Documents, the Waste Development Documents and for major planning applications and will be developed in tandem with the local development scheme.

3. Draft Issues and Options

- 3.1 The Draft Issues and Options consultation would be the first formal consultation on the Waste Development Plan. Much of the document (attached at Appendix 1) provides background information to help inform consultees when responding to the Issues and Options. The Options themselves have been developed after scoping the adopted plan to identify any gaps or updating requiring changes to the plan. At this stage there are no preferred options. It is intended that this consultation will help inform developing preferred options and consequential draft policies.

- 3.2 As part of the SEA process, each option has been assessed against the proposed sustainability objectives for the SEA (referred to in paragraph 1.8 and which are different to the objectives for the plan, although there will inevitably be an overlap). This SEA appraisal (attached at Appendix 2) would also be the subject of public consultation, in line with the SEA requirements and should help inform in sustainability terms the implications of each option.

- 3.3 The objectives of the consultation would be:

- iii) to raise awareness about the emerging Waste Development Plan;
- iv) to inform the next stages of the Waste Development Plan process including preferred options and the site selection process.

- 3.4 It is therefore intended that the document be publicised and circulated as widely as possible for an eight week consultation period during October/November, including via the County Council's website.

- 3.5 The steps following this consultation for progressing the Plan are set out in Appendix 3

4. Conclusion

- 3.2 The Issues and Options consultation will be an important first step in terms of:

- inviting responses to inform the next steps of taking forward the Waste Development Plan;
- raising awareness about the process of the Plan's development; and
- raising awareness of the issues that are associated with its development.

Stages of the Plan process following the consultation on the Issues and Options

1. Following consideration of the responses received to the Issues and Options it is intended that the next stage would be finalising the preferred options for the plan and the development of draft policy areas and potential locations for waste management facilities. This would then form the preferred options document referred to in para 2.3 as a basis for further consultation.
2. The draft guidance states that LPAs are required to carry out formal consultation on their preferred options before they draw up the development plan document (pre-submission public participation). It is very important that those with an interest in what the LPA may put into their development plan document get involved in its preparation as early as possible. Once the LPA have identified their preferred options they will be seeking comments aimed at shaping the content of the development plan document which will be submitted to the Secretary of State for independent examination. The aim of this formal participation is to give people the opportunity to comment on how the LPA is approaching the preparation of the development plan document and to ensure that the LPA is aware of all possible options and issues before they prepare the submission development plan document. The local development scheme will set out the timetable for consultation on the preferred options and any specific consultation arrangements will be set out in the statement of community involvement.
3. Following this consultation the draft Waste Development Plan would be prepared and submitted to the Secretary of State. At the same time representations on the draft plan are to be invited for a period of 6 weeks. Anyone making representation on the draft Plan within the due period will have the right to have his or her representations considered at the independent examination stage. Only those who recommend changes to the plan will have the right to appear at the examination.