

CANNOCK CHASE COUNCIL

CABINET

20 OCTOBER 2011

REPORT OF THE HEAD OF PLANNING AND REGENERATION

RESPONSIBLE PORTFOLIO LEADER – ENVIRONMENT

STAFFORDSHIRE AND STOKE-ON-TRENT JOINT WASTE CORE STRATEGY 2010 – 2026

PUBLICATION DOCUMENT SEPTEMBER 2011

KEY DECISION – YES

1. Purpose of Report

- 1.1 To consider the Staffordshire and Stoke-on-Trent Joint Waste Core Strategy (JWCS) – Publication Development Plan Document, September 2011 and to respond to the County Council by 4 November 2011.

2. Recommendation(s)

- 2.1 That authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Leader for the Environment to finalise representations to Staffordshire County Council, based on the issues identified in Section 4 of the report.
- 2.2 That Staffordshire County Council be asked to consider the Council's comments on the Publication Joint Waste Core Strategy and to note that the District Council reserves the right to object to policies relevant to new waste management facilities and existing landfill sites at the Examination, in terms of their impact on the amenity of residents, premium employment sites, air pollution, noise, issues of nature conservation interest up to and including European level, flood risk and the means of transport.

3. Summary (inc. brief overview of relevant background history)

- 3.1 A report was considered by Cabinet on 16 September 2010 on the Emerging Staffordshire and Stoke-on-Trent Joint Waste Core Strategy Development Plan Document, August 2010, where this Council reaffirmed its opposition to the proposals by Biffa Waste to develop an Energy Recovery Facility (ERF) Incinerator and Materials Recovery facilities at Kingswood Lakeside, Cannock.
- 3.2 At that time the Core Strategy stated that given the modest capacity gap (in terms of having sufficient waste management facilities and capacity by 2025/26 to manage an equivalent tonnage of waste to that produced within Staffordshire and Stoke-on-Trent) and given evidence that concluded there was **no requirement to identify sites for major strategic waste facilities**, it was **not proposed to identify specific sites** but rather to **base the Strategy on the identification of broad locations**.

- 3.3 Staffordshire County Council were also advised that Cannock Chase District Council considered that it was no longer acceptable not to have a firm timetable for the restoration of public access to the Poplars Landfill site and seek urgent discussions with Staffordshire County Council and others with a material interest in the site to resolve this situation.
- 3.4 The Council were consulted informally in April 2011, seeking comments on the consultation for the Joint Waste Core Strategy 2010-2026, on revised draft policies. A response was made by the Council stating that the consultation failed to address the Council's original concerns from September 2010.
- 3.5 In September 2010, Biffa submitted a planning application for the Energy Recovery Facility (Incinerator) proposal was subsequently considered at the County Council's Planning Committee on 7 July 2011, where it was resolved to approve the application.
- 3.6 Following the receipt of legal advice received following the County Council's Planning Committee's decision on 7th July 2011 on Biffa's planning ERF application at Kingswood, Cannock, the application was reconsidered by the County Councils Planning Committee on 15 September 2011, where it was resolved to refuse the application.
- 3.7 Staffordshire County Council is now seeking comments on the Joint Waste Core Strategy by 4 November 2011. **This is the last opportunity to comment on the Joint Waste Core Strategy, before the Examination. Any representations made by the Council must relate to the Government's 'Tests of Soundness', i.e. the Core Strategy must be justified, effective and consistent with national policy.**
- 3.8 The JWCS addresses issues for all types of waste and not just waste collected by local authorities from households and offices. The aims of the Strategy are to ensure that there are sufficient opportunities for the provision of waste management facilities to manage the waste produced in the area and to also manage the change in the type of facilities that are required to re-use, recycle and recover more from the waste produced.

The Proposed Strategy in Brief

- 3.9 The Joint Waste Core Strategy identifies the key waste planning policy issues facing Staffordshire and Stoke-on-Trent between now and 2026 and provides a vision and strategic objectives to tackle those issues. The Strategy also includes a set of four policies that will be used to help determine waste planning applications and in doing so help deliver the objectives and vision.
- 3.10 The Joint Waste Core Strategy is a spatial planning document that identifies broad locations and provides a set of locational criteria for new and enhanced waste management facilities that are sufficiently precise to enable developers to assess where they would be likely to receive planning permission, if other relevant considerations are satisfied. It does not identify specific sites for development but rather to base the Strategy on broad locations.
- 3.11 Following the August 2010 consultation, the number of policies has been reduced from the original 9 to the 4 policies listed below in 3.16.

3.12 Four key issues have been identified, a vision, four strategic objectives and four policies.

The Key Issues

3.13 The key issues are:

Issue 1: There is a need to minimise the negative effects of waste management on climate change by:

- Working towards a zero waste society with greater resource efficiency and supporting, insofar as we are able, initiatives that help us to move towards improved recycling rates;
- Encouraging waste operators to treat waste further up the “Waste Hierarchy”;
- Continuing to reduce reliance and use of landfill; and,
- Influence the planning process to encourage, resource efficiency during demolition, construction and use of new buildings.

Issue 2: There is a need to take responsibility for managing the waste generated by ensuring there is net self-sufficiency in waste management (managing an amount of waste equivalent to that generated).

- There is a need to increase the diversion of waste from landfill by:
 - Maintaining the existing capacity of non landfill related waste infrastructure;
 - Reducing reliance on landfill and void capacity; and
 - Supporting proposals for new and enhanced waste management facilities where it can be shown to be sustainable and presents an opportunity to contribute to our local economy.
- Continue to encourage waste operators to increase their capacity to recycle additional construction, demolition and excavation waste to conserve our mineral resources.

Issue 3: Some waste infrastructure does not meet modern design standards. Waste operators therefore need to be encouraged to raise the standard of waste infrastructure by:

- Ensuring new waste management facilities meet modern design standards; and,
- Supporting proposals to improve the quality of existing waste management facilities, as they are developed, to keep pace with the requirements of legislation and meet modern design standards.

Issue 4: In order to provide sufficient opportunities for waste infrastructure to develop the right type of facilities, in the right place and at the right time, there is a need to ensure that proposals:

- Make a positive contribution to people’s lives, by helping to deliver jobs, economic growth, and better opportunities for all;
- Protect and/or enhance the natural, historic and water environments and conserve the countryside and open spaces that are vital resources for

- everyone; and,
- Address the legitimate concerns and interests of local communities and businesses, particularly on human health issues

3.14 Based on the Regional Spatial Strategy forecasts up to 2026 and given the range and capacity of waste management facilities at 1 April 2011), it is estimated that Staffordshire and Stoke-on-Trent has sufficient capacity to manage an equivalent tonnage of waste to that arising within its boundary. There is a shortfall only for 1 – 2 average sized recycling facilities (80,000 tonnes of MSW and C&I recycling capacity).

The Strategic Objectives

3.15 The Strategic Objectives (in summary):

Strategic Objective 1 aims to minimise greenhouse gas emissions and incorporate measures to mitigate and adapt to the unavoidable impacts of climate change.

Strategic Objective 2 seeks to encourage the development of waste infrastructure so that waste can be managed at least equivalent to the amount generated and to encourage the development of new waste treatment facilities so that reliance on and use of landfill, can be reduced and conserve mineral resources.

Strategic Objective 3 seeks to encourage appropriate siting and modern design standards and provide opportunities to enhance existing waste management facilities.

Strategic Objective 4 seeks to support job creation, economic growth and investment in Staffordshire and Stoke-on-Trent by providing sufficient opportunities to develop new waste management infrastructure of the right type, in the right place and at the right time, and by minimising and mitigating any adverse impacts and avoiding any unacceptable impacts paying particular attention to assessing the suitability of sites.

The Planning Policies

3.16 The Strategy is based on four policies.

Policy 1 - Waste as a resource

In line with the "Waste Hierarchy" the policy encourages maximising waste prevention; use of waste as a resource; proposals for the management of waste at the top end of the hierarchy; and restricts proposals for the disposal of waste and new sites for landfill or landraise. In particular it requires consideration of waste issues when dealing with proposals for all major development proposals and it encourages more recycling of construction, demolition and excavation waste as well as for the use of this type of waste for landscaping, agricultural land improvement or engineering purposes. Proposals for energy recovery should demonstrate that the waste to be treated is residual waste, and cannot practically be reused, recycled or processed to recover materials.

Policy 2 - Targets and broad locations for waste management facilities.
In order to be able to manage at least an equivalent amount of waste to that which produced in Staffordshire and Stoke-on-Trent, this policy sets targets for waste facilities for the various waste streams and indicates favoured broad locations for new facilities. Preference is for general industrial land, previously developed land and existing wastes sites within or close to the main urban areas. Proposals of a local or sub-regional scale will be supported provided that they are located in or close to the North Staffordshire Conurbation (City of Stoke-on-Trent and Newcastle - under-Lyme), or the Large Settlements of: Stafford; Burton upon Trent; **Cannock**; Lichfield; **Rugeley**; or Tamworth. Proposals of a local scale will only be supported if they are located in or close to the Other Significant Settlements of : Burntwood; Kidsgrove; Cheslyn Hay Great Wyrley; Biddulph; Leek; Stone; Uttoxeter; Wombourne; Cheadle; Codsall & Bilbrook; Perton; Penkridge; Kinver; or Brewood. Development proposals for the storage, treatment, and recycling of soils; construction, demolition and excavation waste; and, comparable industrial wastes will be supported in or close to areas of large development in the North Staffordshire Conurbation, and the Large Settlements. The policy also safeguards the strategic waste facilities (the Hazardous landfill site at Meece and Energy Recovery Facilities at Hanford, Stoke-on-Trent and Four Ashes) and aims to maintain the capacity of existing waste management facilities. It also identifies siting and locational criteria for proposals of a national or regional scale which must be sustainably located, have considered alternatives, be of a scale and size proportionate to the area, avoid unacceptable adverse impacts and any benefits outweighing other material planning objections.

Policy 3 - Criteria for the location of new and enhanced waste management facilities.
This policy sets out the general requirements and exceptions criteria for new and the expansion of existing waste management facilities. The general requirements for facilities proposed within the broad locations specified by Policy 2, i.e. in urban industrial land locations, are that they should be fully contained within well designed purpose built or appropriately modified existing buildings or enclosed structures appropriate to the technology or process. Where this is not practicable or environmentally acceptable, the applicant must clearly demonstrate that any environmental impacts can be effectively mitigated by alternative means. It is however accepted that certain waste activities may need to take place in the open air and also outside of the main urban areas and therefore exceptions criteria are provided, particularly for organic waste treatment and recycling of construction, demolition, and excavation waste. Temporary planning permissions for open air facilities may be issued where there are doubts about the character or effect of the proposed facility.

Policy 4 - Sustainable design and protection and improvement of environmental quality.
In accordance with the Vision and Strategic Objectives the policy aims to ensure that waste infrastructure is correctly sited and designed and operated to a high standard. This policy requires high standards of design for new facilities as well as consideration to be given to the effect of the proposal on people, transportation systems and the local natural, historic and built environment and amenity. In line with the County Council's current 'General Protection' policy, (Waste Local Plan Policy 3), this policy sets out a long list of considerations including: cumulative impact on people including the potential health effects; the Cannock Chase Area of Outstanding Natural Beauty and the setting of the

Peak District National Park; the Green Belt; trees, hedgerows and woodland; the landscape; and, protection of air, soil, and water and reduction of flood risk.

- 3.17 The County Council propose that comments received during the consultation will be summarized and reported to both Council in December 2011 (Planning Committee and Full Council) and approval will be sought to submit the Joint Waste Core Strategy to the Secretary of State. This version of the JWCS Development Plan would then be submitted to the Secretary of State in January 2012. The Secretary of State will then appoint a Planning Inspector, who will hold an "Examination" into the soundness of the plan. Timing for the Examination is dictated by the Planning Inspectorate, however this would likely take place in May 2012 with the document being formally adopted in August/September 2012.

4. Key Issues and Implications

- 4.1 If Cabinet decide to support or amend the comments identified below, any subsequent representations would need to be worded in terms of being compliant with the 'Tests of Soundness' set out by the Government, i.e. that the Waste Core Strategy is justified, effective and consistent with national policy.

Issue 1

- 4.2 The Waste Core Strategy considers that given the modest capacity gap (in terms of having sufficient waste management facilities and capacity by 2025/26 to manage an equivalent tonnage of waste to that produced within Staffordshire and Stoke-on-Trent, it is not proposed to identify specific sites but rather to base the Strategy on the identification of broad locations. This principle is supported. However, as a consequence it puts more emphasis on identifying appropriate criteria for sites and areas within the broad locations and in this respect it is considered that the criteria need to be tightened. For example to protect employment locations considered vital to the economic interests of a locality (such as the premium employment area at Kingswood Lakes); or to take account of policy constraints which may affect the suitability of locations such as the combination of Green Belt, Cannock Chase AONB and Special Areas of Conservation which affect the District.
- 4.3 In planning for new or enhanced waste management facilities, preference would be given to the use of general industrial land (including urban and rural general industrial (B2& B8) estates, previously developed land and existing waste management sites within or close to the hierarchy of urban areas, which includes **Cannock** and **Rugeley**, on the basis of their being defined as large settlements. It is considered that Rugeley (population 22,724 including Brereton and Etchinghill Wards 2001 census), should not be classified as a large settlement as its population is less than all of the large settlements identified and more similar to "Other Significant Settlements," such as Burntwood (25,674 2001 census) or Kidsgrove (24,112 2001 census). New or enhanced waste management facilities of a regional and sub-regional scale would be supported in or close to the North Staffordshire conurbation, and the large settlements (subject to comments made in 4.1 above). While the Emerging Joint Waste Core Strategy, does not seek to endorse any particular proposal or site, neither does it definitively rule them out. Given the evidence that there is expected to be only a modest need for extra waste capacity to 2026, it is considered that the policies

for locating new or enhanced facilities should be balanced more towards the protection of the environmental and economic interests of locations within the County.

Issue 2

- 4.4 **Policy 1.5 Energy Recovery** indicates “**that there is no evidential need for additional energy recovery facilities**, as no shortage of residual treatment capacity is anticipated in the plan period.” The Council has expressed its strong opposition to a proposal by Biffa to locate an ERF Incinerator together with the complementary Material Recovery facility within the Kingswood Lakeside employment park. The location of this type of facility in a prestigious, high-tec, employment park the success of which will be of vital importance to the future economy of the District, was not considered appropriate, particularly as it was to serve not only Southern Staffordshire but also northern part of the West Midlands conurbation, to process commercial and industrial waste, with all movements by road. The site was also in close proximity to the Churchbridge Air Quality Management Area (AQMA) between Churchbridge A5/A34/A460/M6T and Longford island, A5/A4601, which in turn joins South Staffordshire Council’s Wedges Mills AQMA. As stated in 3.16, the County Council has passed a resolution to refuse planning permission. It is not known at this stage whether the applicant intend to submit an appeal.
- 4.5 It is recommended that the Council reiterates it’s opposition to the proposal to locate an EfW Incinerator facility at the Kingswood Lakes employment park.

Issue 3

- 4.6 It is considered that the JWCS should address the long term future of sites such as the Poplars Landfill Site, which has a planning permission which does not have a prescribed end date but is also in the Green Belt and has a public access restoration scheme. The County Council have previously been informed that this Council would like discussions with the County Council as Waste Authority and any other interested parties to establish an end date for landfill operations and the restoration of public access.

5. Conclusions and Reason(s) for the Recommendation(s)

- 5.1 The Council should support the broad principles of the Emerging Waste Core Strategy, subject to the comments detailed in Annex 1, whilst maintaining its objections to any future Incinerator-ERF and complementary Materials Recovery facilities at Kingswood Lakeside.

6. Other Options Considered

- 6.1 Staffordshire County Council has a statutory duty as the Waste Authority, to prepare a Waste Core Strategy Development Plan Document. There are no other options for the County Council to meet these requirements.

7. Report Author Details

- 7.1 Mr R. Phillips, Head of Planning and Regeneration, 01543 462621

SCHEDULE OF ADDITIONAL INFORMATION

INDEX

Contribution to Council Priorities (i.e. Corporate Priorities)	Section 1
Contribution to Promoting Community Engagement	Section 2
Financial Implications	Section 3
Legal Implications	Section 4
Human Resource Implications	Section 5
Section 17 (Crime Prevention)	Section 6
Human Rights Act Implications	Section 7
Data Protection Act Implications	Section 8
Risk Management Implications	Section 9
Equality and Diversity Implications	Section 10
List of Background Papers	Section 11
Report History	Section 12
Annexes to the Report i.e. copies of correspondence, plans etc.	

Section 1

Contribution to Council Priorities (i.e. Corporate Plan)

The operation of landfill and recycling facilities provide jobs within the District. At the same time, waste management centres, may have adverse implications for the environment and residents, particularly with regards to air quality and sites of European ecological importance within the District.

Section 2

Contribution to Promoting Community Engagement

The Council has encouraged wider community involvement in the Waste Core Strategy which it is considered could have much wider implications for residents and businesses in the District.

Section 3

Financial Implications

There are no direct financial implications for the Council as a result of this report; any costs in dealing with the issue and responding to the increasing number of Development Plan consultations will need to be contained within Planning budgets.

Similarly, should an additional waste management facility be established within the District, any additional complaints arising in respect of noise, dust, pollution etc will need to be contained within Environmental Health budgets

Further reports will be submitted as details of proposed new waste management facilities emerge in the future as part of the Joint Waste Core Strategy.

Section 4

Legal Implications

Section 16 of the Planning and Compulsory Purchase Act 2004 imposes an obligation on County Councils to prepare a waste core strategy for their area. Regulations made under the Act require the County Council to consult this Council as part of the process.

Section 5

Human Resource Implications

There may be implications for staff time in terms of responding to the increasing number of development plan consultations. Similarly, the establishment of additional waste management facilities in or close proximity to the District, may give rise to additional complaints concerning issues of noise, dust, pollution, etc, that would have to be dealt with by the Environmental Health Officers.

Section 6

Section 17 (Crime Prevention)

There are no implications arising from this report.

Section 7

Human Rights Act Implications

There are no identified implications in respect of the Human Rights Act 1998 arising from this report.

Section 8

Data Protection Act Implications

There are no identified implications in respect of the Data Protection Act arising from this report.

Section 9

Risk Management Implications

The development of future waste management facilities within or near to the District, under the County Council's Joint Waste Core Strategy, may well conflict with the spatial and sustainable planning objectives of the Council's own emerging Core Strategy and the Sustainable Community Strategy, 2008-20.

Section 10

Equality and Diversity Implications

There are no implications in the report.

Section 11

List of Background Papers

Staffordshire and Stoke-on-Trent Joint Waste Core Strategy 2010-2026, Publication Document, September 2011.

Section 12

Report History

Council Meeting	Date
Cabinet – Staffordshire and Stoke-on-Trent Joint Waste Core Strategy Development Plan Document – Issues and Options, September 2008	20 November 2008
Cabinet – Emerging Staffordshire and Stoke-on-Trent Joint Waste Core Strategy 2010-2026 (August 2010)	16 September 2010