



Joint Waste Sites Development Plan Document (DPD) Preferred Options Consultation

SUMMARY

- 1.1 The report sets out the steps that have been taken to prepare a joint Waste Development Sites Development Plan Document for the City and County, summarises the Preferred Options Report and the proposals for consultation on it and seeks authority to undertake the consultation.

RECOMMENDATION

- 2.1 To approve the Preferred Options Report for the Joint Waste Development Sites Development Plan Document and its Sustainability Appraisal for consultation and to authorise that consultation as outlined in this report.

REASON FOR RECOMMENDATION

- 3.1 To enable the consultation on the Preferred Options Report of the Development Plan Document (DPD) to be undertaken in accordance with the legislation.



Joint Waste Development Sites Development Plan Document (DPD)

Preferred Options Consultation

SUPPORTING INFORMATION

Why we are preparing the Plan

- 1.1 As minerals and waste planning authorities for Derby and Derbyshire, (excluding the Peak District National Park), Derbyshire County Council and the City of Derby are jointly responsible for producing a Minerals and Waste Development Framework (MWDF) which sets out the councils' aims and objectives for the planning aspects of minerals and waste development and policies for dealing with planning applications for mineral and waste developments.
- 1.2 The Derby and Derbyshire Waste Local Plan was adopted in 2005. The "saved" policies in this Plan will continue to be part of the MWDF and will serve as "core strategies" (the overarching policies to guide planning applications) for minerals and waste planning until new core strategies can be produced.
- 1.3 Since 2005 the City and County Councils, as Waste Planning Authorities, have been jointly engaged in preparing a Waste Site Allocations Development Plan Document (DPD) for Derby and Derbyshire. This Plan will identify sites that are suitable for waste development sites (including transfer stations, recycling centres of different scales and sites suitable for landfill operations) up to 2020. The document before Members now is the "Preferred Options Report" of the DPD. It contains a schedule of preferred sites and drafts of other elements of the proposed DPD.

Consultation

- 1.4 In 2005 we consulted widely inviting suggestions for new sites for making provision for waste development. That was the start of a process of continuous consultation for the preparation of the DPD.
- 1.5 Last year (June 2006) we consulted on a document which set out information on a number of possible sites for waste development in Derby and Derbyshire. A further consultation on sites was undertaken in February 2007.
- 1.6 We have considered all the comments made in the continuous consultation period which included those three consultation exercises. In this current document we have set out our "preferred options" which show the sites that we consider should be allocated for waste developments, the main alternatives we considered and why these were rejected, and a number of other draft policies that we consider should be in the final DPD.

- 1.7 We are now seeking views on our Preferred Options Report and we will write to all people who have expressed an interest in waste planning issues. All statutory consultees and parish councils will also automatically be consulted.
- 1.8 We have produced a questionnaire that will be used to obtain people's comments on the document. This will be available to be completed and submitted to us either electronically or manually.
- 1.9 In addition, we will make copies of the consultation documents and questionnaire available for inspection:
- on the Derby City Council and Derbyshire County Council web sites
 - at city, county and district planning offices
 - in local libraries throughout the city and county.

Additional copies of all the documents will be available on request.

- 1.10 We will also issue a press advertisement and a press release to local newspapers, and publish articles in Council magazines and newspapers.
- 1.11 When we have considered representations made about the document, we will consider revisions to it and carry out further assessments of the sites. Following a further report to Cabinet, probably in August 2008, there will then be another statutory consultation, when we submit the plan to the Secretary of State. Finally, an inspector will conduct an examination in public in 2009, whose report and recommendations will be ones the Councils will be legally bound to accept.
- 1.12 **Summary of the Preferred Options Report**

While the Waste Sites Development DPD would assist in determining planning applications for waste management developments, a major driver for its preparation has been to assist the waste industry to bring forward sites on which to construct developments to manage all forms of waste (including recycling and reusing) and if necessary, to dispose of it. Through its proposals, we will seek to ensure that there are enough sites available not only for the volume of waste we consider will be generated up to 2020, but also to offer a variety of sites for the industry to choose from. Therefore the preferred options report puts forward a series of policies and sites which could guide developers to potentially suitable sites for waste management development.

Before development takes place, planning applications for particular developments would still have to be made and these would be guided by the policies in this document (once adopted), those in the adopted Waste Local Plan and policies in other relevant local plans/ DPDs including in Derby the CDLPR.

- 1.13 Because any development would be judged also in relation to policies in other Local Plans/ DPDs this preferred options Report only proposes five policies. Three of these list proposed sites which would take forward the proposed draft policy, although there are also site-specific policies attached to each individual site. The policies and the sites associated with them, proposed to be included in the development plan document, are summarised in turn below.

1.4 *Policy 1: General provisions*

Proposes that in addition to these waste sites DPD policies the Derby and Derbyshire Waste Local Plan policies should apply to all applications for waste management development and that the community strategies of Derby, Derbyshire and the districts are relevant considerations in the assessment of applications;

1.5 *Policy 2: Use of employment land for waste management development*

Proposes that waste management development that would not have greater impacts on people, the environment or highways than the impacts which would be permitted by existing commitments on industrial estates and other land which is committed for uses which include B1, B2 or B8 is appropriate land for waste management development. Therefore, it proposes that applications for waste management development on such land will receive planning permission provided that it conforms to the Waste Local Plan policies and the policies in the City and district development frameworks, including those which seek to protect or promote employment densities

1.6 *Policy 3: Development of employment land with larger-scale waste management facilities*

Proposes 57 sites (almost all either existing business/industrial estates or proposed industrial/ business areas) for a range of waste management developments which would generate significantly more HGV traffic than would be permitted by Policy 2. The developments may also have other, greater impacts than would be permitted by Policy 2. While many of these sites are fully occupied by existing uses, and in most cases it would not be expected that all the estate was used for waste management developments, the whole of these estates are identified to indicate that, over the whole plan period any part of them would in principle be appropriate for waste management developments.

Applications for larger-scale waste management development on the identified sites would receive planning permission provided that:

- the proposals conform with policies W1-W4 & W11 of the waste local plan; and
- the proposals conform with policies in the City and district development frameworks which seek to protect or promote employment densities; and
- the development is one of the types set out in the site specific policies for Policy 3 sites or has similar characteristics to those types and the proposal conforms with the site specific policies; and
- the proposals conform with the environmental policies of the City and district development frameworks and other relevant development plan policies.

Of those sites proposed for inclusion in this policy, 9 are in Derby (These are mapped and described in the full preferred options document). These are, with their total sites areas;

- Sinfin Industrial Estate, Sinfin Lane; 29.2 ha.
- The former Sinfin Tannery Site, Sinfin Lane 4.37 ha
- Chaddesden Sidings South, Wyvern Way; 27.2 ha
- Ascot Drive Industrial Estate; 61.8 ha
- Chaddesden Sidings West, off Chequers Road; 10.4 ha
- The Meadows Industrial Estate, Chequers Road; 7 ha
- Estate west of Raynesway; 39.1 ha.
- Land East of Raynesway; 193 .2 ha
- Waste Transfer Station off Raynesway; 3 ha

Among the other 48 other sites identified under this policy there is a small number of sites identified as potentially suitable for landfill/ landraising if there was an essential need for this at a later date. None are in Derby, but the closest is at Eggington/ Etwall adjacent to the A50 and A38.

1.7 Policy 4: Development of other sites with waste management facilities

The Policy identifies 31 sites (none of them in Derby) which are appropriate for the types and sizes of waste management development stated in the site-specific policies for each site. They are identified as Policy 4 sites because they are not covered by Policies 2 or 3 and would be lost if they were not identified here.

Applications for waste management development on Policy 4 sites would receive planning permission only in the limited circumstances set out in the site-specific policies and provided that:

- the proposals conform with policies W1-W4 & W11 of the waste local plan; and
- the proposals conform with policies in the City and district development frameworks which seek to protect or promote employment densities; and the proposals conform with the environmental policies of the City and district development frameworks and other relevant development plan policies.

1.8 Policy 5: Land to be safeguarded for waste management development

It is necessary that certain sites are safeguarded from other development so that waste management development may proceed.

The 4 sites (all outside Derby) identified in Policy 5 would be safeguarded from other types of (non waste) development in accordance with the site specific policies for Policy 5 sites.

The development of the land, when it takes place, would be subject to the requirements set out in the site specific policies for Policy 5 sites, to policies W1-W4 and W11 of the waste local plan and to the environmental policies of the relevant development frameworks.

1.9 The Sustainability Appraisal

Legislation requires that all development plans are now subject to requirements for a Strategic Environmental Assessment (SEA) and a Sustainability Appraisal (SA). The SEA Directive requires an **environmental** assessment of plans and programmes that fall within its scope, whereas the Planning and Compulsory Purchase Act 2004 imposes a more general duty to undertake a sustainability appraisal of plans covering **economic, environmental and social considerations**, the three cornerstones of sustainability.

1.20 The objective of SEA, as defined in the Government guidance on SEA ("SEA Guidance") is *'to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans... with a view to promoting sustainable development'*

1.21 The SA which is published with the Preferred Options document sets out appraisals of the considered effects of the allocations and policies. It generally agrees with the assessments of the authorities. It shows that for the allocations and policies the effects are generally positive against the SA objectives. It also suggests mitigation for adverse effects and how the sustainability effects can be monitored. These will be taken into account by the two Councils.

1.22 The Soundness Test

Under the new planning system authorities are now also required to show that their plans are "sound", namely that it is a plan that shows that it has been properly prepared and so it can be trusted to guide development. There are nine matters set out as tests of soundness in PPS12 under the headings of "procedural", "conformity" and "coherence, consistency and effectiveness". These are matters which the Inspector considering the final preferred option of the plan in its examination will look at. Against these tests we consider that this Preferred Options Document is "sound".

OTHER OPTIONS CONSIDERED

2. As set out in the Preferred Options report

For more information contact:	David Slinger Tel: 01332 256001 e-mail david.slinger@derby.gov.uk
Background papers:	Papers Preferred Options Report for the Waste Site Allocations DPD and the Sustainability Appraisal Report are available via the City Council's web site
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial

1. Costs of the consultation can be contained within existing budgets.

Legal

2. The DPD and its Sustainability Appraisal are being prepared under the provisions of the Town and Country Planning Act as amended by the Planning and Compensation Act 2004 and their relevant Regulations.

Personnel

3. None.

Equalities impact

4. None.

Corporate Priorities

5. The DPD would take forward the Council priority of “Leading Derby towards a better environment.”