

Sites Deliverability Assessment



Provision of Professional Planning Advisor Services

Merseyside Joint Waste Management Strategy
Procurement Project

19 April 2006

Produced for
MWDA and Merseyside Leaders and Chief Executives

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Glossary

Abbreviation	Description
BSS	Broad Site Search
CPO	Compulsory Purchase Order
DEFRA	Department for the Environment, Food and Rural Affairs
DPD	Development Plan Document
EfW	Energy from Waste
EIA	Environmental Impact Assessment
HWRC	Household Waste Recycling Centre
IPS	Interim Position Statement
JMWMS	Joint Municipal Waste Management Strategy
LDF	Local Development Framework
LPA	Local Planning Authority
MBT	Mechanical Biological Treatment
MSW	Municipal Solid Waste
MWDA	Merseyside Waste Disposal Authority
ODPM	Office of the Deputy Prime Minister
OS	Ordnance Survey
PFI	Private Finance Initiative
PPS	Planning Policy Statement
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
UDP	Unitary Development Plan
WLDD	Waste Local Development Document

1 Introduction

There is an ongoing Waste Development Plan Document (Waste DPD) process being undertaken jointly by the five districts of Merseyside. Two initial reports were commissioned for this process; firstly the “Initial Needs Assessment” report which investigated the arisings in the Merseyside area for all waste streams and identified current evidence gaps. Secondly, the “Broad Site Search” (BSS) report which investigated existing waste management sites and potential new sites for the development of additional facilities to process the various waste streams.

In order to derive a portfolio of viable sites to deliver the MSW “Reference Project” a criteria based screening methodology approved by the Waste DPD Steering Group has been applied to the results of the BSS that used three tiers of criteria based assessment. The criteria based assessment builds upon the work undertaken by the Waste DPD in considering factors such as:

- The site plan area
- Any absolute land constraints including national or international sites of nature conservation interest and heritage sites
- The proximity of the site to sensitive receptors such as residential areas, schools and hospitals
- Other land planning aspects such as green belt, public open space, tidal/ fluvial flood plains etc.

This Sites Deliverability Assessment follows on from the approved criteria based Screening Methodology and applies largely qualitative rather than quantitative selection criteria to further refine the portfolio of viable sites.

In this way, the overall assessment process is considered to be thorough and robust and will conform to best practice.

It is intended that this document will be a live document and will evolve in parallel with the site selection process and SA/SEA work to address the particular circumstances of individual sites as they become identified.

In respect to the detailed planning and site acquisition process for the various types of facilities necessary for the delivery of the municipal solid waste (MSW) ‘Reference Project’, this document will seek to consider the specific needs of each type of process. Consequently, the detailed process required will vary by type of facility as the needs for smaller sites such as Household Waste Recycling Centres (HWRCs) will be different to that for a large Mechanical Biological Treatment (MBT) facility. In

addition, site-specific circumstances are likely to affect the detailed acquisition and planning strategy.

It is worth noting that with respect to the facilities covered by the Private Finance Initiative (PFI) contract process, it is likely that this submission will be limited to the residual treatment Mechanical Biological Treatment / Energy from Waste (EfW) processes. Therefore, the contents of this document, which will respond to the wider needs of MSW 'Reference Project', will also cover facilities which are not included in the PFI contract scope such as Household Waste Recycling Centres, Transfer Stations/ Materials Recycling Facilities and In-Vessel Composting and Open Windrow Composting facilities.

2 Non-Criteria Based Assessment:

This section lists a range of non-criteria based factors against which sites will be considered to further qualify their potential suitability for use by a MSW facility.

The 'approved' screening methodology used on the sites identified in the BSS report will provide a long portfolio of deliverable sites organised by facility type, and ranked according to their total combined scoring under each of the criteria. These sites have been judged to be suitable for facilities for the MSW 'Reference Project'. This non-criteria based assessment process will consider the most suitable (highest scoring) sites from the criteria based screening work. By considering these non-criteria based considerations it is expected that the most suitable sites will be identified taken from the portfolio of sites which are derived from the criteria based assessment process.

It is possible that this final screening may not produce an exact fit with the needs of the MSW 'Reference Project'. However, the exercise will identify where there may be a surfeit of opportunities and also if there is likely to be a shortfall in any locality. The outcome of this exercise will inform the site acquisition process, allowing MWDA to select the preferred sites for the MSW 'Reference Project'.

The highest scoring sites resulting from the approved criteria based assessment will be reviewed on a site-by-site basis, split into two phases of assessment based on the following:

- i. Items considered as part of an intuitive desk based assessment and marked as red, amber or green according to a defined benchmark.
- ii. Other considerations that may have a bearing on the selection of the preferred sites to be dealt with in discussion.

The aim is to determine whether a site is especially suited or unsuited for a particular type of facility. Site visits will then be conducted on the most desirable sites to verify assessments made once these are identified. These visits will be limited to viewing the site from outside the boundary to avoid the need for consulting with landowners. This phase needs to be integrated with the MWDA Communications Protocol.

It should be noted that any waste management facility would have a local impact on its surrounding environment. Therefore it should be recognised that some of the considerations made in this assessment process will result in a perceived negative impact no matter where the facility is proposed to be located. The purpose of this assessment is to determine whether this impact is over and above what would be considered to be a normal degree of impact expected for the proposed type of facility. Therefore for each type of facility a "benchmark" "red, amber and green" scoring will be determined against which facilities proposed at specific locations can

be compared with. This will enable the assessments to be made against this “benchmark” to see if there is a potential adverse or improved impact for each proposed site use.

With this approach any result which is a positive improvement or one which matches to “benchmark” will receive a green. Positive improvements will be noted in the overall results. A result which has a minor negative result compared with the “benchmark” will receive an amber result. It is expected that these results can be mitigated to a certain extent by appropriate engineering or operational considerations. Results which show a significant negative impact when compared with the “benchmark” will receive a red and such sites would only be considered further if there were no peers.

The results will be presented using appropriate diagrams and maps to enable a visual representation of the quality and location of sites across the region. In this way, informed decisions can be made when considering the criteria under ‘Other Considerations’ (Section 2.2). The output from this stage will be the final portfolio of preferred sites for each type of facility.

2.1 Intuitive Desk Based Assessment

The following criteria will be considered as part of an intuitive desk based assessment using a variety of sources by accessed by reasonable means. However, the scope of this assessment is to be determined to suit timescales for delivery and the Communications Protocol.

2.1.1 Engineering Considerations

- *Is site shape conducive to development?*
- *Is site topography conducive to development?*
- *Is there a potential issue of site stability?*
- *Is there a potential for exceptional contamination risks?*
- *Are there any major services on the site?*

2.1.2 Planning Considerations

- *Is the site classed as industrial in UDP Allocation?*
- *Are there any extant planning permissions?*
- *Is the site close to major transport links?*
- *Is the facility proposed likely to have a significant visual impact?*
- *Is the site used for existing waste management use?*
- *Is there likely to be any significant environmental impact? Noise and odour.*
- *Is there a significant potential groundwater vulnerability issue?*

2.1.3 Deliverability

- *Is site owned by MWDA?*
- *Is site owned by local authority?*
- *Is it considered that the site can be delivered to programme?*

2.2 Other Considerations

The following are items which will be considered and raised as discussion points for the findings report.

- *Is site close to employment deprived zone?*
- *Is site in close proximity to footpaths or parks?*
- *Was there feedback received from discussions with LPO's during BSS development?*
- *If site is used by existing waste management process should it remain?*
- *Is there likely to be any significant engineering works required for access, services diversions, contamination, etc.*
- *If the site is a waste management operation is there a known history of environmental breaches?*
- *Is the site close to prospective sinks/ users of materials/resources?*
- *Does the site have the capacity to be developed beyond the planned facility or allow for co-located facilities?*

3 MWDA Approach to Sustainability

3.1 Waste DPD Programme

The Waste DPD is programmed for adoption in 2010. This document will seek to identify viable sites for the treatment and disposal of all Merseyside’s controlled waste arisings and develop associated policy. The draft Waste DPD will undergo a Sustainability Appraisal (SA) incorporating the requirements of the Strategic Environmental Assessment (SEA) Directive. It will be subject to a number of public consultations throughout its development, as required by the Planning and Compulsory Purchase Act (2004). The SA itself will be subject to a period of public consultation along with the Preferred Options Report. Following a joint public examination and inspectors report, the Waste DPD will be adopted by individual authorities¹.

The critical timeframe for the development of the Waste DPD is highlighted below.

Programme	
Commencement of Plan preparation	April 2006
District approval of SA Scoping Report / Objectives Report	July to August 2006
Issues and Options Report and SA Commentary to Council/Committee/ Executive for approval as appropriate	October to December 2006 - 8 weeks
Public Consultation on Issues and Options Report	January to February 2007 – 6 weeks
Preferred Options Report to Council/Committee/ Executive for approval as appropriate	September to October 2007 – 10 weeks
Sustainability Appraisal Environment Report for District approval as appropriate	September to October 2007 – 6 weeks
Public Consultation on Preferred Options and Sustainability Appraisal Environment Report	November to December 2007 – 6 weeks
Submission draft Waste DPD / Sustainability Appraisal Final Report for Full Council approval	June to August 2008 – 10 weeks

¹ Supporting Documents, The Merseyside Waste Partnership, MWDA Version 2, June 2005.

Programme	
Submission of Waste DPD / Sustainability Appraisal Final Report to ODPM and public consultation	September to October 2008 – 6 weeks
Consideration of representations on submitted Waste DPD	November to December 2008 – 6 weeks
Consultation on representations and alternative sites including Sustainability Appraisal	January to February 2009 – 6 weeks
Pre-Examination meeting	March 2009
Commencement of the Joint Examination	May to June 2009 – 8 weeks
Receipt of binding Inspector's Report taking into account final Sustainability Appraisal report	November 2009 – 20 weeks
Council meetings	December 2009 to February 2010 – 10 weeks
Adoption and publication of Waste DPD	By April 2010

3.2 MWDA Planning Strategy

The implications of the Waste DPD timetable mean that the delivery of planning permissions for municipal solid waste facilities must be progressed in advance of the Waste DPD programme. However, at the same time, it is essential to ensure that programmes and plans established in advance of the Waste DPD can be demonstrated to have taken into account the requirements of the SEA Regulations² and are consistent with SA requirements as set out in ODPM guidance³.

Therefore, a programme of work has commenced to conduct an informal SEA on the interim planning documents. This confers best practice and conforms to the decision making principles of PPS10. However, respect must be given for the need to maintain confidentiality of commercially sensitive information and therefore it is not proposed to extend this process to include statutory and public consultation at this stage. The planning documents included in this scope are as follows:

² Environmental Assessment of Plans and Programmes Regulations 2004. SI 2004 No. 1633.

³ Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks. Office of the Deputy Prime Minister, November 2005.

- Draft MWDA Planning Strategy Document
- Interim Position Statement (IPS) on Planning
- Portfolio of sites (taken from BSS report)
- Approved Criteria Based Screening Methodology Statement
- Draft Sites Deliverability Assessment (this document)
- Draft programme of Key Dates and Milestones for Planning

This process will identify any significant negative or positive environmental, social or economic considerations that have not been highlighted by the screening process or by compliance with the MSW 'Reference Project'.

3.3 Review of JMWMS for Merseyside

MWDA during 2006 will be implementing a review of the JMWMS taking account the implications of the MWDA Procurement Programme, Planning Strategy, National Waste Strategy Review, LATS Implications, Waste Minimisation and Re-Use and overall Performance.

To support the review and in accordance with the requirements of PPS 10 MWDA is currently seeking advice on the potential undertaking of a wider ranging Sustainability Appraisal which will incorporate a Strategic Environmental Assessment of the JMWMS. It could be beneficial for MWDA to undertake this work as it will contribute to the need for the whole planning WDPD/JMWMS process to be comprehensively documented and will provide the benefit of joint consultation programmes. This work would also ensure maximum alignment to the WDPD process. This is particularly relevant to common evidence baseline work to feed into the WDPD SEA process to commence in 2006. MWDA would utilise the Merseyside Sustainability Appraisal Process Objectives, targets and indicators.

The emerging MWDA Planning Strategy will take account of any additional formal SA/SEA process linked to the review of the JMWMS for Merseyside.

4 Initial Discussions with LPA's (pre-application)

The comments received from discussions with individual local authority planning officers during the BSS exercise will be factored in to the qualitative assessment criteria (see above). These comments relate principally to the suitability of individual sites or groups of sites.

Subject to the MWDA communications protocol, and issues of confidentiality, there will be a presumption that relevant LPAs will be contacted as soon as reasonably practicable. It is expected that this work would take place once the most desirable sites have been identified. Therefore, this may comprise a two stage process. Initially, once the most desirable sites have been defined, it should become clear which LPAs are most likely to host the various major MSW facilities that will be required by MWDA. Therefore, prior to the finalisation of the site screening process it is anticipated that LPAs will be consulted on generic matters relating to the progression of planning applications

4.1 Preliminary discussions based on the generic MSW 'Reference Project'

- The general scope of environmental work required to support applications.
- Whether an EIA will be required, and if not, how information should be presented for non EIA facilities.
- A generic list of consultees to be considered / contacted for pre-application discussions
- The appropriate application format / submission procedures / number of copies of documentation.
- Compliance with the IPPS for waste in Merseyside (see Section 5)

4.2 Site specific consultations

- Observations on the suitability of the preferred site(s).
- The statutory consultees that the LPA will contact for these proposals
- Any further site specific consultations or investigations recommended by the LPA to assist with the later planning process.
- The proposed timetable for submitting application(s)
- The capability of LPA to resource the processing of the application(s)
- The supporting documentation that would be required to accompany the planning application(s)
- Fees required to accompany the planning application(s)

5 Planning Application Process

The steps to be undertaken in formulating planning applications for facilities will depend upon various factors such as the type of facility and its proposed location. Attention will also be paid to the earlier screening exercises to identify any issues of potential sensitivity.

The content and nature of each application will be identified for each type of waste management facility based on early discussions with the LPA. These pre-application consultations will have sought to determine the scope of supporting documentation through a screening process (for example, the requirement for an EIA based on the site size and location and type of development).

Once a planning application has been submitted to the LPA (and has been registered), formal discussions will be sought with the relevant officers of the authority. The aim will be to confirm the arrangements for the assessment of the proposal and to review the details of the scheme. The meeting will aim to review all aspects of the situation pertaining at that time, to include:

- the LPA protocol for determining applications on unallocated sites (see IPS below)
- the requirements and advice of PPS10
- the interrelationship of the planning and the pollution control authorities
- the appropriate use of planning conditions for this type of facility
- any anticipated s.106 or s.278 requirements and the LPAs preferred manner of dealing with the legal aspects of these matters
- the content of the site waste management plans
- the details of the proposals (layout, design, landscaping etc.).
- any specific issues that have arisen further to the pre-application discussions or additional information that is required.
- the LPAs committee cycle, and the anticipated programme for reporting the application

5.1 The Interim Position Statement on Planning

Through consultation with the Waste DPD Steering Group, the need for an Interim Planning Position Statement (IPPS) with respect to waste was defined and agreed. The Waste DPD Steering Group will develop this position statement on planning as

guidance to LPAs in the processing of applications for new MSW waste management facilities ahead of the formal development of the Waste DPD. The first draft of this document was discussed at the DPD steering group in March 2006. The intention is to have this document approved and issued to the Merseyside LPAs as a guidance document.

This IPS will not originate any new policy and will not make any site specific allocations. It will collect together extant national and regional guidance for the benefit of applicants – a Position Statement ahead of the development of the Waste DPD.

It will be MWDA policy to comply with all of the guidance and policies referred to in the IPS. Compliance with the IPS will be addressed at pre-application consultations with the LPAs (see Section. 4).

6 Consultations with Statutory Consultees

Consultation will be sought with relevant statutory consultees prior to the submission of planning applications. Depending upon the role of the consultees this may be a two stage process, initially once 'The Reference Project' has been defined, prior to the culmination of the site screening exercise, and / or at a later date, once specific sites have been identified as possible locations.

Under Article 10 of the Town and Country Planning (General Development Procedure) Order 1995⁴, local planning authorities are required to consult various bodies about specified categories of a planning application.

Whilst MWDA are not bound to carry out any pre-application consultations there will be a presumption to consult in order to:

- Inform all relevant stakeholders in the community handling MSW and seek observations to feedback into the site selection and acquisition process
- Further screen opportunities to establish potential issues at the earliest stage possible
- Comply with the MWDA communications protocol

A prescriptive list of statutory consultees for waste management facilities is not available. However, to reduce planning risk, the following will be considered as primary consultees. The list will be confirmed in preliminary discussions with the local planning authority.

- The Local Planning Authority (and consultations within the Authority)
- MWDA (internal)
- Environment Agency
- English Nature
- DEFRA
- English Partnerships
- Highways Authority

⁴ http://www.opsi.gov.uk/si/si1995/Uksi_19950419_en_1.htm

- North West Regional Development Agency

The timing and extent of the consultation activity for each specific planning application will be determined following the preliminary advice of the LPAs during the initial pre-application consultation phase. The needs of the MWDA communications plan will also inform the extent and timing of the consultation process.

7 Consultations with Others

Local planning authorities are advised by Government to consult a range of other bodies or non-statutory consultees. Most of these are set out in Appendix B to Department of Environment Circular 9/95 issued as an accompaniment to the Town and Country Planning Order 1995. Further bodies are referred to in other circulars and Planning Policy Guidance Notes.

The following non-statutory consultees may be contacted depending on the circumstances of specific applications, and as advised by the LPAs during the preliminary consultation process:

- Site owners including adjacent land owners
- Neighbouring businesses / occupiers
- Government Office for the North West
- North West Regional Assembly
- The Countryside Agency
- The Strategic Rail Authority
- Relevant telecommunications companies
- Transco
- United Utilities
- Food Standards Agency
- Secretary of State for Transport (*if entering/ leaving a trunk road*)
- The Coal Authority (*if in proximity to coal workings*)
- The Sports Council (*if affecting playing fields*)
- English Heritage and the Garden History Society (*if affecting parks and gardens*)
- Peel Holdings (own Liverpool Airport and the Port) (*if in proximity to Liverpool John Lennon Airport or Liverpool Port*)
- Other appropriate local bodies, identified on a site by site basis, including utility companies and property agents.

8 Sites Communications Protocol

The principles and mechanism for early consultation on planning matters relating to the development of waste management facilities is addressed in a Sites Communications Protocol developed by MWDA.

The document describes the outline sites communications protocol to be adopted in order to successfully communicate the Waste DPD development programme, the contract procurement programme, the site selection process and the waste facility build programme. It also highlights the need to align the communications protocols associated with these programmes and assigns governance to each.

The MWDA Communications Protocol is currently in an early stage of development and will evolve as the site selection process develops. The key issues and requirements in the development of the Protocol are as follows:

- The Waste DPD Steering Group specifically requests that agreements will need to be reached on what level of detail of information (especially relating to sites and planning) is provided to Government, potential bidders and other parties as part of the proposed PFI bidding process.
- MWDA proposes that a Sites Communication Protocol, which will explain how the knowledge of sites and planning communications will be handled throughout the procurement project will be developed, and the degree of awareness on potential sites needs to be agreed.
- Where key potential sites are identified, it is proposed that through the MWDA Sites Communications Protocol, a methodology on how landowners will be approached is to be agreed. This will detail a protocol to enter into informal dialogue with land owners regarding the availability of sites in question, suitability as a waste management site and the owner's interest / willingness to negotiate. This methodology will need to be aligned to the overarching Waste DPD Communications Protocols and Communications Strategies being developed.
- The Site Deliverability Assessment will need to take account of the communication sensitivities of the site selection process in terms of commercial considerations, political sensitivity and public reaction. In order to reduce risk the MWDA Sites Communications Protocol will be developed to identify how knowledge of sites and communications will be handled throughout the procurement project. Again, this methodology must be aligned to the overarching Waste DPD Communications Protocols and Communications Strategies being developed.

- It is essential that the MWDA Sites Communications Protocol and Communications Strategy align with the proposed Communications Strategy and Protocol to be developed through the Waste DPD Process. Similarly to the Waste DPD process MWDA will follow a joint approach aligning with each District Council's Statement of Community Involvement using existing networks, mechanisms and partnerships. Additional targeted consultation with key groups and sectors for the specific purpose of the MWDA Procurement will be set out in the Communications Strategy and be aligned with the Waste DPD process.

With regard to the planning application process for waste management facilities in advance of the adopted Waste DPD, all planning applications must demonstrate that they comply with the following points:

- The locational and environmental criteria of PPS10 (see PPS10 Annex E).
- A statement of compliance with PPS10.
- Pre-application discussions with the LPA and MWDA in light of the rapidly evolving policy context and the legislative, commercial and timetabling drivers active in the waste arena in Merseyside.
- All LPA information requirements for non EIA development.
- All LPA information requirements for comprehensive EIA development for full applications.
- Outline planning applications for non-EIA MSW development may not necessarily be submitted
- Communications protocol including neighbouring authority consultation issues and procedures.
- Demonstration that the agreed site selection and screening criteria methodology has been applied.
- Demonstration that the proposed approach is aligned with JMWMS.
- Demonstration of need in terms of facility type, capacity requirements and timing for when facilities need to be operational. Each application should show that the proposal is consistent with the needs and spatial requirements of the sub-region, and in the case of competing opportunities, should evidence how it is the preferred option in sustainability terms. These considerations will be particularly applicable

in the case of competing facilities or instances where multiple facilities are proposed for a sub-area.

- Site location conforms with the preferred sites identified as a result of the Screening Methodology approved by the Waste DPD Steering Group. Sustainability Appraisal of all proposed site locations.
- Assessment of alternatives and options.

The development of the Waste DPD is currently in its early stages. However, a programme outlining the key milestones has been prepared and agreed with the Waste DPD steering group. Attached to this document is a copy of the key milestones together with an overview of the MWDA MSW alignment to the DPD process.

Waste Development Plan Document

