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## **REPORT**

TO: Calvin Stockton, MWDA

FROM: James Cook  
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18<sup>th</sup> April 2006

### **INTERIM POSITION STATEMENT FROM THE WASTE DEVELOPMENT PLAN DOCUMENT STEERING GROUP – DRAFT (APRIL 2006)**

#### **THE NEED FOR AN INTERIM POSITION STATEMENT**

##### **Context**

1. National and regional guidance seeks the alignment of policies / strategies for the sustainable management of waste and the planning process for the provision of sites. As a result of legislative, commercial and timetabling drivers, the Merseyside Waste Disposal Authority (MWDA) is seeking to identify and progress sites through the planning process ahead of the Waste Development Plan Document (Waste DPD) timetable. This decision has been taken because there is an urgent and extant 'capacity gap' in the MWDA area for Municipal Solid Waste and to reduce the perceived planning risk to the Outline Business Case (OBC) due to be submitted.
2. Municipal Solid Waste represents approximately 9% of the waste arisings in England, 14% in the North West Region and 19% of Merseyside's solid waste.
3. The current WDPD programme detailed in **Appendix 2** anticipates that the Preferred Options Stage will be reached in September 2007 with public consultation commencing in November 2007. This is the earliest that it is anticipated that the new Waste DPD will have any formal status and be a material consideration for the Merseyside Districts in determining planning applications.

4. Furthermore, the statutory planning documents of the Local Planning Authorities (the adopted Unitary Development Plans) are variable in age and generally not aligned with the latest regional and national policies or the strategy of the JMWMS.
5. Therefore, the Merseyside Waste Partnership (MWP) require an Interim Position Statement (IPS) to help mitigate the risk to the OBC (due for submission to DEFRA on 17<sup>th</sup> March 2006), and enable the consistent assessment of sites that are proposed to service the arisings from the Municipal Waste Stream in Merseyside ahead of the emerging WDPD. The IPS will be developed and refined as a precursor to the Issues and Options stage of the Waste DPD and will help guide initial early consultation as required under the Planning and Compulsory Purchase Act, 2004 (PCPA).

### **Objectives of the Interim Position Statement (IPS)**

6. The purpose of this Report is to provide a preliminary statement of the current planning position with respect to municipal solid waste only and the issues that will be addressed within the proposed Interim Position Statement (IPS).
7. The objective of the IPS:
  - To provide the Merseyside Waste Disposal Authority (MWDA) and the Merseyside Waste Partnership with a factual statement of joint working and progress with the Merseyside joint Waste Development Plan Document (Waste DPD).
  - To assist MWDA in their Outline Business Case submission to Defra by providing information on waste planning in Merseyside.
  - To outline a strategy for dealing with planning applications for MSW management facilities in advance of the Waste DPD.
  - To provide early opportunity to discuss sustainable waste management principles that will support the development of the Issues and Options stage of the Waste DPD.
  - As an early opportunity for targeted consultation on sustainable waste management issues.

### **Status of IPS**

8. The IPS has no material status because it is not a statement of planning policy. It is an informal statement of fact, progress and joint working principles for the Waste DPD. It also outlines how the Merseyside Local Planning Authorities will deal with any early planning applications for municipal solid waste management facilities should they be submitted prior to adoption of the Waste DPD.
9. The Waste DPD Steering Group has delegated authority to lead the preparation of the Waste DPD. Elected member support is provided through Council commitment to prepare the Waste DPD, through the agreed Memorandum of Understanding and via discussion at the Waste Disposal Authority Member meeting of 3<sup>rd</sup> March 2006. Merseyside EAS working on behalf of the five Districts and, in partnership with the MWDA, is taking the lead in preparing the IPS.
10. Therefore, considering that the IPS will have no formal planning policy status the Waste DPD Steering Group and District Planning Officers Group has concluded that Committee

approval is not required. However, elected member consultation will be completed with appropriate portfolio holders such as waste and planning.

## **WASTE DEVELOPMENT PLAN DOCUMENT (DPD)**

### **Agreement to Produce a Joint Merseyside Waste DPD**

11. All five Merseyside Districts have agreed to prepare the Merseyside joint Waste DPD. This agreement at Full Council level includes the provision of resources for an initial period of three years. MWDA is also a partner in the Waste DPD process. Further details relating to the Waste DPD can be found in **Appendix 2**.

### **Governance of Joint Working**

12. The key Governance arrangements for the Waste DPD are set out in **Appendix 1**. The key features of that are as follows:
  - Executive Authority for the Waste DPD lies with individual Districts through the existing decision making process.
  - Full Council approval of the Waste DPD is required at commencement, submission and adoption stages.
  - All other key milestones e.g. Issues and Options Report or Sustainability Appraisal Environment Report, will be delegated to Elected Members as appropriate through each of the LPAs decision making processes.
  - Waste DPD Steering Group has delegated authority for the development of the Waste DPD.
  - The five Local Planning Authorities and MWDA will work in close partnership to ensure that the JMWMS and Waste DPD are closely aligned and mutually supportive.
  - The Waste DPD Steering Group will liaise with other groups within the Merseyside Network as appropriate particularly District Planning Officers Group and Senior Officers Working Group
  - Merseyside Leaders and Chief Executives will be consulted as necessary through the Merseyside Network Groups.
  - The Merseyside Waste Partnership Memorandum of Understanding will be used to co-ordinate and manage joint working arrangements.
13. In recognition of the Government's commitment to joint working between municipal waste management strategy and the role of LPAs for sustainable waste management, co-ordination and integration (where required) between the JMWMS and the Waste DPD will be managed at the operational level between the Waste DPD Steering Group, officers of MWDA and officers of Merseyside EAS as appropriate.

### **Waste DPD Timetable**

14. The agreed Waste DPD timetable is set out in the agreed Local Planning Authority Local Development Scheme submissions to ODP. The key stages in preparing the Waste

DPD must follow the statutory planning procedures of the Planning and Compulsory Purchase Act (2004).

15. Each of the Districts has agreed to a common set of Waste DPD milestones and outputs as follows:
  - Public consultation on Issues and Options Report, January 2007 (6 week consultation).
  - Public consultation of Preferred Options Report, November 2007 (6 week consultation).
  - Submission Waste DPD, September 2008 (6 week consultation).
  - Examination in Public Stage, from March to June 2009.
  - Receipt of Inspectors' Binding Report, November 2009.
  - Adoption and Publication of Waste DPD, April 2010.

### **PLANNING STRATEGY FOR DEALING WITH MSW SITE APPLICATIONS IN ADVANCE OF THE WASTE DPD**

#### **Sustainable Waste Management Principles**

16. The principles of the 'plan led' system remain intact following the reforms to the land use planning system introduced by the PCPA, 2004. Planning applications should be determined in line with the policies of the Local Development Plan.
17. The Government's policy framework for waste planning and the alignment of Waste DPD's and Municipal Waste Management Strategy (MWMS) is set out clearly in Information Sheet 3 (Planning) accompanying 'A Practice Guide for the Development of MWMSs', November 2005.
18. PPS10 and the RSS are the key overarching policy considerations with which local policies should be aligned. In addition, the National Waste Strategy and North West Regional Waste Strategy are material considerations.
19. **The key objective of the Waste DPD is to provide a sustainable land use planning policy framework for sustainable waste management of all waste streams across Merseyside, having specific regard to regional self sufficiency, the proximity principle and the waste hierarchy in the development of policies and site specific allocations.**
20. Specifically it will cover four themes that bear close resemblance to core strategy issues:
  - Sustainable Development and Regeneration.
  - Sustainable Use of Land and Other Resources.
  - Protection and Enhancement of Environmental Assets and Resources.
  - High Quality Development.
21. Four Key Principles have been identified so far that are of particular relevance to both the Waste DPD and MWDA (though they will be the subject of early consultation as part of the Waste DPD process):

- Key Principle 1: A Sustainable Approach to Waste Management, taking account of the waste hierarchy, proximity principle and self-sufficiency.
  - Key Principle 2: Protecting Merseyside's Environment & Communities.
  - Key Principle 3: General Development and Waste Management.
  - Key Principle 4: Safeguarding Land for Future Landfill Disposal.
22. Each of the key principles will be supported by issues that will be used as a basis for consultation and to guide the policy development process, including consideration of issues, options and potential locations.

### **Policy Framework**

23. The current statutory planning policies for municipal solid waste are contained within the five Merseyside Districts Unitary Development Plans (UDPs) and are summarised as follows:

- Knowsley Unitary Development Plan (Adopted June 1998), policies GEN9, PWM5, PWM5, PWM6, PWM7 and EC6; Knowsley Replacement Unitary Development Plan (scheduled for Adoption by Council in 2006), policies MW 4, MW5, MW6, MW7, ENV1.
- Liverpool Unitary Development Plan (Adopted November 2002), policies EP4, EP5, EP6, EP7, EP8, EP9 and EP15.
- Sefton Unitary Development Plan (Adopted May 1995), policies ENV56, ENV57 and E7; Sefton Replacement Unitary Development Plan (scheduled for Adoption by Council 11<sup>th</sup> May 2006), policies EMW 1, EMW5, EMW6, EMW7, EMW8.
- St. Helens Unitary Development Plan (Adopted 1998), policies WD1, WD2 and WD3.
- Wirral Unitary Development Plan (Adopted February 2000) policies WMT1, WMT2, WM1, WM2, WM3, WM4, WM5, WM6, WM7, WM8, WM9 and WM10.

24. As illustrated, the adopted UDPs vary in age but the policies contained within them are still part of the saved adopted development plan for those boroughs. However it is now necessary to update and review the Merseyside suite of waste policies (primarily via the preparation of the Joint Merseyside Waste DPD) in order to take into account and reflect emerging Regional and National Policies and Position Statements, such as the Regional Spatial Strategy, PPS1, PPS10 and PPS12, relevant DEFRA guidance or in some cases the Joint Municipal Waste Management Strategy (JMWMS). This has a bearing on the weight that can be attached to policies in determining planning applications.

25. In situations where local policies have not kept pace with national guidance PPS10 states:

*Waste planning authorities should adhere to the following principles in determining planning applications:*

- *in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan. Any refusal of planning permission on grounds of prematurity will not be justified*

*unless it accords with the policy in 'The Planning System: General Principles' - PPS1'*

*In the interim period before the development plan is updated to reflect the policies in this PPS, planning authorities should ensure proposals are consistent with the policies in this PPS and avoid placing requirements on applicants that are inconsistent.*

26. Existing Regional Planning Guidance for the North West (formerly RPG13) contains a number of policies which are statutory regional planning policies relevant to the management of municipal solid waste, specifically policies EQ4, EQ5 and EQ6. RPG13 became the Regional Spatial Strategy on commencement of the Planning and Compulsory Purchase Act in September 2004, and became part of the statutory development plan. The Regional Spatial Strategy is currently being reviewed and undergoing public consultation until June 2006 with an Examination in Public planned for October. As such the reviewed draft has limited weight.

### **Planning Applications in Advance of the Waste DPD**

27. Planning applications for MSW facilities in advance of the adopted Waste DPD will need to take account of the location and environmental criteria of PPS10 (see PPS10 Annex E). In addition, applicants are encouraged to comply with the following:
- 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 will not be acceptable.
  - Statement of compliance with PPS10.
  - 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.
  - Need - Demonstration of need in terms of facility type, capacity requirements and timing for when facilities need to be operational. The technical appraisals being carried out by MWDA (waste needs and site screening assessments) will be a consideration in the development of the Waste DPD. These assessments, when published, will be material considerations in the assessment of interim proposals. However, independent from the progress of the MWDA and Waste DPD reviews, 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.
  - Location - To assist in the identification of potential areas and broad locations of sites, the MWDA has prepared a site screening methodology which has been approved by the Waste DPD Steering Group. This screening methodology, primarily used to assist MWDA in their planning strategy to support the OBC and procurement process to deliver the JMWMS, builds upon the methods used in the

Broad Site Search Report<sup>1</sup>. The MWDA screening methodology deals with MSW only and refines the site search process further via site specific criteria-based assessments. This approach is therefore consistent with the proposed Waste DPD process and will also inform the Waste DPD process by confirming a strategy for the future provision of Municipal Waste handling facilities across Merseyside.

- Sustainability Appraisal of all proposed site locations.
- Assessment of alternatives and options.

28. ***Pre-Application Discussions*** - In light of the rapidly evolving policy context and the legislative, commercial and timetabling drivers at play in the waste arena on Merseyside, all applicants are encouraged to seek pre-application discussions with the relevant LPA and MWDA.

### **Communications**

29. Due to the potentially controversial nature of proposed MSW facilities, very careful consideration will need to be given to the communications and consultation procedures associated with the OBC submission. Further detailed consultation is required with the LPAs and Waste DPD Steering Group with respect to the results of the site screening methodology.
30. Furthermore 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. This will need to be clearly set out in the MWDA Communications Protocol (**Appendix 3**) and agreed / ratified with the Waste DPD Steering Group prior to any information going beyond the MWDA and LPAs.

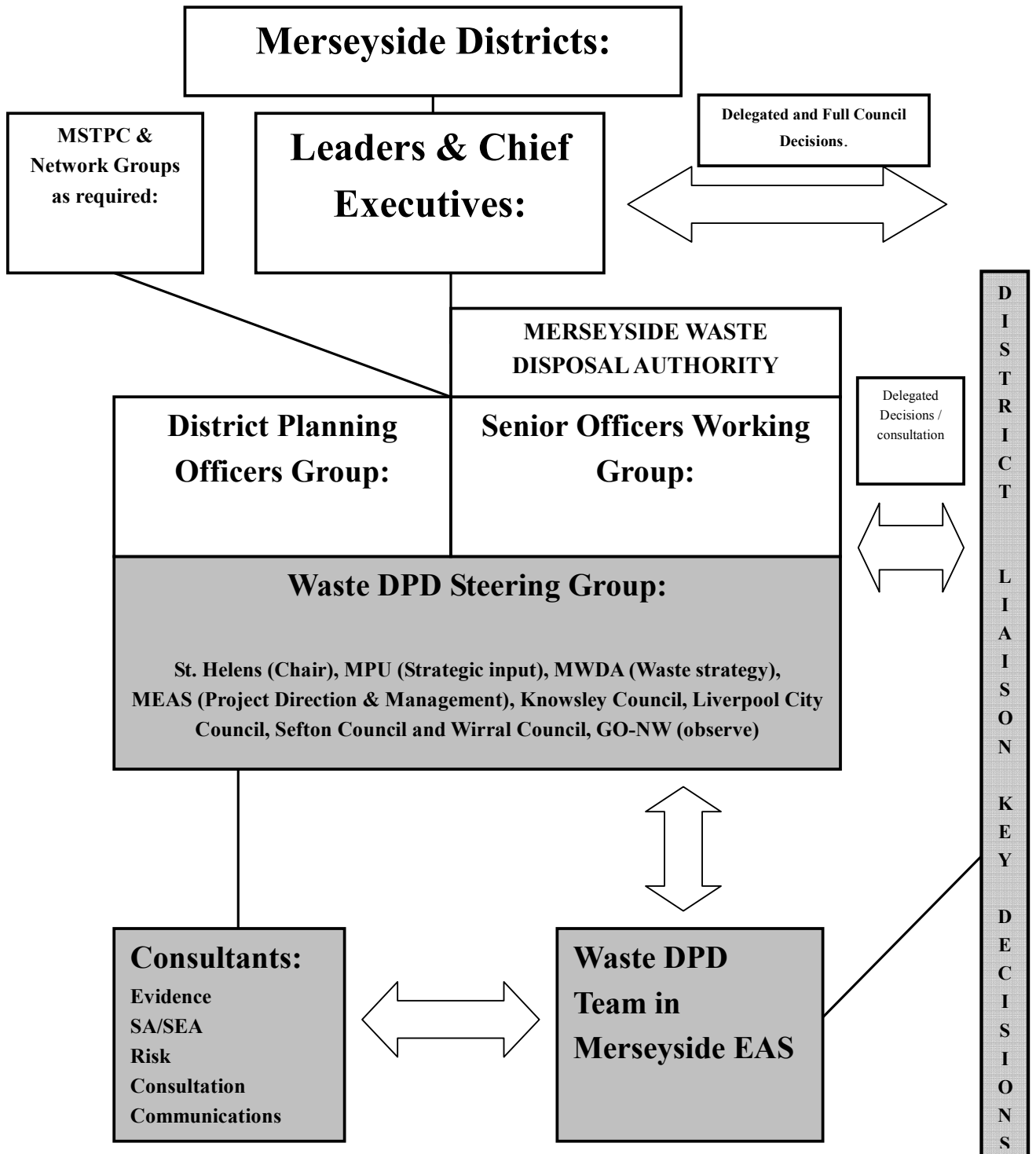
### **Conclusion and Recommendation**

31. The IPS has been prepared at this time to assist the MWDA in their OBC submission to Defra. It simply sets out the current planning framework and how the Waste DPD Steering Group wishes early planning applications for MSW facilities to be addressed. This document has no material weight as it is not a planning policy document. It will be developed as a supporting document to assist the development of the Waste DPD Issues and Options Stage including early consultation. The IPS will then be further refined during the process of preparing the Waste DPD Issues and Options Report during the period April to September 2006.

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<sup>1</sup> Broad Search for Potential Sites for Waste Management Facilities in the Merseyside Area, SLR Consulting and Land Use Consultants for St Helens Council, August 2005

APPENDIX 1 – GOVERNANCE ARRANGEMENTS OF WASTE DPD





## **APPENDIX 2 - JOINT MERSEYSIDE WASTE DEVELOPMENT PLAN DOCUMENT**

### **Introduction**

Agreement has been reached across the Merseyside sub-region by Liverpool City Council, Knowsley Council, Sefton Council, St. Helens Council and Wirral Council to prepare a joint Development Plan Document, The Merseyside Joint Waste Development Plan Document (Waste DPD). The proposed Waste DPD is Merseyside's preferred approach to implementing the principles of sustainable waste management for all waste streams.

This document has therefore been prepared with the specific intention of providing a statement of conformity for the Waste DPD and to be incorporated within each of the District's LDS.

### **Context**

Merseyside is a significant producer of waste. In 2005, the total waste arisings was estimated to be between 4.57 and 4.79 million tonnes comprising of:

- 868,000 tonnes of municipal solid waste (19%).
- 1.38 – 1.46 million tonnes of commercial and industrial waste (30%).
- 2.18 – 2.31 million tonnes of construction, demolition and excavation waste (48%).
- 143,000 – 155,000 tonnes of hazardous waste (3%).

European legislation, government targets, increasing waste generation, the need for improved environmental protection and rising public expectations all drive the need for rapid changes in our approach to managing waste. In particular, Merseyside needs to reduce its reliance on landfill by providing alternative facilities for recycling, reprocessing, treatment and disposal. The Regional Waste Strategy<sup>2</sup> sets overall objectives, mandatory targets and appropriate timescales for these changes, which are reinforced by Regional Spatial Strategy (RSS) policy and the waste hierarchy though the draft RSS has yet to go through public consultation and examination.

The Waste DPD will ensure the right mixes of sites are identified to maximise the potential for driving waste up the hierarchy. Whilst there is significant uncertainty in future trends in waste arisings in Merseyside, it is clear that significant investment will be required in new sustainable waste management facilities for all waste streams because landfill is the waste disposal option of last resort.

It is intended to produce the joint Waste DPD over the next four years for adoption by April 2010. Phasing of the preparation of the Waste DPD will help to reduce planning and procurement risk to the implementation of the Merseyside's Joint Municipal Waste Management Strategy (JMWMS).

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<sup>2</sup> "Regional Waste Strategy for the North West" North West Regional Assembly, September 2004

<b>Title</b>	<b>Joint Merseyside Waste Development Plan Document</b>
<b>Status</b>	<b>Joint Development Plan Document</b>
<b>Geographic Area</b>	<b>Liverpool City Council, Knowsley Metropolitan Borough Council, Sefton Metropolitan Borough, St. Helens Borough Council and the Metropolitan Borough of Wirral</b>
<b>Brief Description</b>	
<p>A statement of the core sustainable waste management principles and policy including:</p> <ul style="list-style-type: none"> <li>• How the Waste DPD will ensure that the Planning Authorities meet their contribution to delivering the identified needs of the region for all waste streams.</li> <li>• How waste management will be considered alongside other spatial concerns, recognising the positive contribution waste management can make to the development of sustainable communities, and takes waste issues beyond the realms of isolated waste policies.</li> <li>• Planned provision of new capacity with its spatial distribution based on clear policy objectives, robust analysis of available data and information and, an appraisal of options.</li> </ul> <p>The Waste DPD will develop agreed criteria for the identification and allocation of sites suitable for new and enhanced waste management facilities for the identified waste management needs of Merseyside. This will include a list of allocations suitable for the location of different types of sustainable waste management facilities on a proposals map. These site allocations will be supported by site specific policies. Criteria based policies, consistent with the sustainable waste management objectives, will address wider waste planning issues such as speculative applications for unallocated sites.</p>	
<b>Chain of Conformity</b>	
<p>The Waste DPD will be in conformity with the core strategies of each of the Districts Core Strategy Development Plan Documents and Regional Spatial Strategy.</p>	
<b>Related Documents</b>	
<p>The main inter-related documents that the Waste DPD will have regard to :</p> <ul style="list-style-type: none"> <li>• National policy statements e.g. PPS10 and PPS12.</li> <li>• National Waste Strategy 2000.</li> <li>• Regional Waste Strategy 2004.</li> <li>• DEFRA Guidance on Preparation of Municipal Waste Management strategies (July 2005).</li> <li>• Merseyside Joint Municipal Waste Management Strategy 2005.</li> <li>• Each District's Local Development Scheme, Statement of Community Involvement and Annual Monitoring Reports.</li> </ul>	

<b>Programme</b>	
<b>Commencement of Plan preparation*</b>	<b>April 2006</b>
District approval of Sustainability Appraisal Scoping Report / Objectives Report.	July to August 2006
Issues and Options Report 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
<b>Public Consultation on Preferred Options and Sustainability Appraisal Environment Report*</b>	<b>November to December 2007 – 6 weeks</b>
Submission draft Waste DPD / Sustainability Appraisal Final Report for Full Council approval.	June to August 2008 – 10 weeks
<b>Submission Waste DPD / Sustainability Appraisal Final Report to ODPM and public consultation.*</b>	<b>September to October 2008 – 6 weeks</b>
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
<b>Pre-Examination meeting.*</b>	<b>March 2009</b>
<b>Commencement of the Joint Examination.*</b>	<b>May to June 2009 – 8 weeks</b>
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
<b>Adoption and Publication of Waste DPD*</b>	<b>By April 2010</b>
* indicates key milestone	
<b>Arrangements for Production</b>	
<b>Organisational lead</b>	St. Helens Council is the lead District for the Waste DPD. The work will be co-ordinated and managed by the Merseyside Environmental Advisory Service on behalf of each District.
<b>Governance</b>	The Waste DPD Steering Group, with all five Districts represented, will consider all documents at all stages prior to Member approval and public consultation. Regular progress will be reported to the Merseyside District Planning Officers and Merseyside Leaders and Chief Executives.

<b>Political Management</b>	Each Council will consider key outputs and milestones of the Waste DPD and sustainability appraisal through normal schemes of delegation for key milestones and outputs as agreed for each of the Local Development Frameworks. The exception to this is that Full Council approval of the joint Waste DPD will be required at the following stages: commencement; submission and adoption.
<b>Resources</b>	The Merseyside EAS Waste Planning Team will have responsibility for co-ordinating the Waste DPD preparation, also drawing on contributions from each of the five Merseyside Councils, Merseyside Policy Unit and Merseyside Waste Disposal Authority. A three year funding agreement has been reached by the Merseyside Districts and Merseyside Waste Disposal Authority for the Merseyside EAS Waste Planning Team and specialist consultancy commissions for the preparation of the Waste DPD.
<b>Community and Stakeholder Involvement</b>	Consultation on the Waste DPD will be co-ordinated through each District'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 Waste DPD will be set out in the Communications Strategy.
<b>Integration with Merseyside Joint Municipal Waste Management Strategy (JMWMS)</b>	Integration with the JMWMS will be promoted through close working and partnership according to the principles set out in PPS10 (2005) and Defra Guidance on Municipal Waste Management Strategies (2005). Liaison will take place at the operational and political level through the existing Governance arrangements of the Merseyside Waste Strategy Partnership and the Merseyside Network.
<b>Integration with District Core Strategies</b>	The Waste DPD will not have a core strategy as it will in conformity with each District Core Strategy DPD. The Waste DPD Issues and Options Report will be supported by a statement of sustainable waste management principles to be taken into account for sub-regional conformity on sustainable waste management issues within each of the District's Core Strategy DPD.
<b>Post Production Monitoring and Review</b>	
The Waste DPD will be supported by annual monitoring progress report that will provide a consistent reporting mechanism to inform each District's Annual Monitoring Report. It will examine whether key targets and indicators are being met.	

## **Guidance Notes for the Joint Merseyside Waste Development Plan Document**

- i. The revised Joint Waste DPD milestones are a pragmatic balance between time required for joint plan making and the length of time required complying with statutory consultation periods, taking into account of existing Governance. Further contraction of the plan making period between commencement and submission DPD will adversely affect the quality of the DPD.
- ii. Consultation periods are aimed to avoid major holiday periods such as summer, Christmas and Easter wherever possible. Where this is unavoidable the consultation period is extended commensurate with the number of day's public holiday.
- iii. As far as possible the politically sensitive period of April to May inclusive is avoided to reduce the risk of no-decision as a consequence of Local Government Elections.
- iv. Council consultation periods have been increased to 8 weeks – 40 days as this is seen as the maximum that can be realistically afforded if the Joint Waste DPD is to keep on track. If this does not fit with existing Council Elected member meetings then it will be a matter for each District to arrange special meetings in order to keep the project on track. It is a matter for each Council to specify which Committees the various Joint Waste DPD milestones need to go to.
- v. There are only three stages where Full Council approval is required for this joint DPD:
  - Commencement – now secured by all Districts (March 2006).
  - Submission stage – 10 weeks allowed for Full Council.
  - Notice to adopt – 10 weeks allowed for Full Council.
- vi. For the sake of comparison and consistency, the agreed LDS table should be “lifted” into each of the Districts LDS without any change.
- vii. It will be a matter for individual LDS's to agree how locally specific the introductory information is.
- viii. It will be a matter for each District to prepare its own Gantt chart for illustrating the project milestones and duration of phases.
- ix. Duration of Joint Examination in Public and likely receipt of binding Inspectors' Report will be subject to consultation with PINS. It has been assumed that 2.5 days Reporting will be required by the Inspector for every day of Examination.
- x. Should any of the milestones fail to be achieved because one of the Districts either fails to secure approval within the agreed consultation periods or because of an issue requires further consideration, clarification will need to be provided by ODPM on whether this will have a material effect on financial settlement through AMR monitoring?

**Appendix 3 – Communications Protocol (to be included by MWDA)**