

# CABINET



Report subject	<b>Adoption of Bournemouth, Christchurch, Poole and Dorset Waste Plan</b>
Meeting date	13 November 2019
Status	Public Report
Executive summary	To request Cabinet to recommend to Council that the “main modifications” recommended by the Inspector appointed by the Secretary of State be accepted and the Bournemouth, Christchurch, Poole and Dorset Waste Plan be adopted
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Cabinet recommends the Bournemouth, Christchurch, Poole and Dorset Waste Plan to Council and requests that Council:</b></p> <ul style="list-style-type: none"> <li><b>(a) resolves to adopt the Plan subject to its inclusion of the main modifications that are appended to the Inspector’s Report;</b></li> <li><b>(b) confirms that the formal adoption date will begin two weeks from the date Council resolved to adopt the plan;</b></li> <li><b>(c) delegates to Director of Growth and Infrastructure in consultation with Portfolio Holder for Strategic Planning:</b> <ul style="list-style-type: none"> <li><b>(i) any additional (non-material) modifications to the Plan which were the subject of consultation, together with any other additional modifications which benefit the clarity of the Plan;</b></li> <li><b>(ii) authority to expedite any technical/procedural matters associated with adoption of the plan, including those connected with Dorset and BCP Council’s role as Competent Authority on matters relating the Habitats Regulations Assessment of the Plan.</b></li> </ul> </li> </ul>

Reason for recommendations	<ol style="list-style-type: none"> <li>1. To ensure BCP Council has an up-to-date statutory planning framework for waste matters. This will enable BCP Council to plan positively for future waste needs in compliance with national policy and consider planning applications for waste development.</li> <li>2. To comply with the requirements of the statutory/consequential orders which require a council-wide local plan by 2024.</li> </ol>
Portfolio Holder(s):	Councillor Margaret Phipps, Portfolio Holder for Strategic Planning
Corporate Director	Bill Cotton (Corporate Director of Regeneration and Economy)
Contributors	<p>Julian McLaughlin, Director of Growth and Infrastructure</p> <p>Mark Axford, Interim Head of Planning (Bournemouth)/Planning Policy Manager</p> <p>Nicholas Perrins, Policy Manager</p> <p>Malcolm Hodges, Senior Planning Officer</p> <p>George Whalley, Team Leader (Planning Policy)</p>
Wards	All
Classification	For Recommendation

## Background

- 1 Since Dorset's local government re-organisation in April 2019 responsibility for waste planning matters now rests with Dorset Council and BCP Council. The new Waste Plan is intended to provide an up to date spatial strategy and policy framework to meet the waste needs of Dorset up to 2033 as well as detail in the form of site allocations and development management policies.
2. Following various public consultation stages the draft Waste Plan was submitted to the Secretary of State in March 2018 for consideration at an examination led by an independently appointed Inspector. Following the hearing sessions in June 2018, modifications that were deemed necessary to make the plan sound were consulted on before the inspector issued his final report at the end of January 2019. The inspector concluded that the plan was legally compliant and sound, subject to the modifications set out in his report.
3. The adoption of the Waste Plan will represent the culmination of a substantial amount of work which has involved extensive liaison with local residents, the waste industry, waste management authorities, statutory bodies and other interested parties and several consultation stages. It provides the principal mechanism for the consideration of planning applications for waste development

and it seeks to ensure waste needs can be met in a sustainable manner by moving waste up the Waste Hierarchy (i.e. prevention / reuse / recycling / recovery / disposal), thereby seeking to treat any residual waste that cannot be prevented, reused or recycled as a resource before pursuing the last resort of disposal. As a consequence of this approach the Waste Plan does not propose the allocation of any landfill sites and instead promotes a range of waste management facilities and infrastructure ranging from strategic sites to household recycling centres. It is essential in providing the policy basis for the delivery of municipal waste management as well as commercial, industrial and certain specialised waste streams.

### **The Inspectors Report**

4. The Inspector's report is accompanied by a schedule of main modifications. The report confirms that although there are a large number of modifications, they do not significantly alter the thrust of the overall strategy. The Inspector concludes that, subject to the inclusion of the modifications, the plan is legally compliant and sound.
5. The Inspector can only recommend main modifications put before him by the Waste Planning Authorities if invited to do so by the Waste Planning Authorities. It follows that the modifications attached to the report are those which were acceptable to the Waste Planning Authorities (having regard to the views of interested parties and under the guidance of the Inspector).
6. The three sites located within BCP that were proposed as allocations in the Pre-submission draft plan (see site profiles including modifications at Appendix 1) have been retained in the plan by the Inspector following the examination subject to the inclusion of the proposed main modifications. The sites are;
  - Eco Sustainable Solutions, Parley
  - Land at Canford Magna, Poole
  - Land at Mannings Heath Industrial Estate, Poole
7. The reasoning for requiring the inclusion of the main modifications for these sites can be found in paragraphs 116 to 129 of the Inspector's examination report (see Appendix 2 link) with the detailed wording of the modifications being included on pages 43 to 46 of the Schedule of Modifications (see Appendix 3 link).

### **Adoption of the Plan**

8. Under the provisions of Section 23(5) of the Planning and Compulsory Purchase Act 2004 (as amended), it is the responsibility of the Waste Planning Authorities to adopt the Waste Plan. The plan can only be adopted subject to inclusion of

the main modifications. For this reason it is recommended that the plan be adopted with the inclusion of the main modifications.

9. As the Plan covers the administrative areas of Bournemouth, Christchurch and Poole Council (BCP) and Dorset Council it will need to be adopted by both authorities. To allow for the necessary processes to take place it is recommended that the formal adoption date is two weeks after both resolutions have been secured. Dorset Council has already resolved to adopt the Plan in July 2019. Therefore, the formal adoption date would be two weeks after Council makes a similar resolution.
10. From the date of adoption, there will follow a 6-week legal challenge period. During this period interested parties have the right to challenge the plan on legal/procedural matters only under the provisions of the Planning and Compulsory Purchase Act 2004.

### **Concluding Comment**

11. The adoption of the Waste Plan will provide BCP Council and Dorset Council with an up-to-date policy. Having a plan that accords with the latest national policies will provide both Authorities with greater certainty in securing acceptable development that provides for waste needs across the whole of Dorset.

### **Summary of financial implications**

12. Minerals and waste local plan production is currently the subject of a service level agreement (SLA) between BCP and Dorset Council which includes a fixed cost element for the day-to-day provision of the service by minerals and waste planners at Dorset Council. There are no immediate budget implications associated with adoption of the Waste Plan, although there is a right of legal challenge for a six-week period immediately following the adoption of the plan. In the event of such a challenge there may be legal costs associated with defending the challenge.
13. If the Council opts not to adopt the plan, it would expose BCP and Dorset Councils to the risk of on-going significant costs in dealing with planning appeals and having to commission extra evidence to justify its decisions on waste applications. This is because there would not be an up-to-date waste development plan and so the presumption in favour of sustainable development would prevail, with decisions having to be judged directly against the NPPF. It would also pose a risk to the waste management responsibilities of BCP Council in terms of planning to meet future needs.

### **Summary of legal implications**

14. The Planning and Compulsory Purchase Act 2004 requires Mineral and Waste Planning Authorities to prepare planning policy documents making up a Minerals and Waste Local Plan. By agreement Dorset Council undertakes work on

minerals and waste planning policy documents on behalf BCP Council as well as the rest of Dorset.

15. As the Waste Plan covers the administrative areas of BCP and Dorset Councils it will need to be adopted by both Councils. If the plan is not adopted by both Councils then there would not be an up-to-date development plan in place and so the presumption in favour of sustainable development would prevail, with decisions on waste proposals having to be judged directly against the NPPF.

### **Summary of human resources implications**

16. The continuation of the joint approach for the production of minerals and waste planning documents and the use of Dorset Council's Minerals and Waste Policy Team to undertake much of the work through a service level agreement (SLA) produces efficiencies in human resources terms.

### **Summary of environmental impact**

17. The Plan has been the subject of Sustainability Appraisal (SA) on an ongoing basis throughout the production process. SA is a method for considering the significant effects of planning policy documents in relation to sustainable development. It is a legal requirement under the European Strategic Environmental Assessment (SEA) Directive (2001/42/EC) which requires assessment of the effects of certain plans and programmes on the environment as well as on social and economic objectives.
18. The Plan has also been subject to Habitats Regulations Assessment for impacts on European designated sites at each stage of its production.

### **Summary of public health implications**

19. The adoption of the Waste Plan will enable BCP and Dorset Councils plan positively for Dorset's waste needs up to 2033 and will enable both Councils meet their waste management responsibilities.

### **Summary of equality implications**

20. An Equality Impact Screening has been completed at each stage of the Waste Plan production process. No adverse impacts in terms of equalities have been identified.
21. Dorset Council (and formerly Dorset County Council) also subjected the Waste Plan to Equalities Impact Assessment and took into account the results of the assessment during the preparation of the plan.

### **Summary of risk assessment**

24. If the Waste Plan is not adopted this would present a risk to strategic priorities and opportunities on the basis that the two Dorset waste planning authorities would be failing to maintain an up-to-date policy framework for waste in accordance with statutory requirements. This would undermine the Council's

ability to meet environmental and community priorities as there would be an increased risk of inappropriate development taking place on appeal.

## **Background Papers**

- Modified version of the Pre-Submission Draft Waste Plan  
[www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/new-waste-plan/wpsd-09-modified-version-of-the-pre-submission-draft-waste-plan-chapters1-14.pdf](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/new-waste-plan/wpsd-09-modified-version-of-the-pre-submission-draft-waste-plan-chapters1-14.pdf)
- Modified version of the Pre-Submission Draft Waste Plan Appendices  
[www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/new-waste-plan/wpsd-09-modified-version-of-the-pre-submission-draft-waste-plan-appendices.pdf](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/new-waste-plan/wpsd-09-modified-version-of-the-pre-submission-draft-waste-plan-appendices.pdf)

## **Appendices**

Appendix 1 - BCP Site Profiles - extracts from Modified Pre-Submission Draft Waste Plan Appendices (attached)

Appendix 2 - Waste Plan Inspectors Report on Examination

[www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/new-waste-plan/inspectors-report-on-waste-plan.pdf](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/new-waste-plan/inspectors-report-on-waste-plan.pdf)

Appendix 3 - Waste Plan Schedule of Main Modifications

[www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/new-waste-plan/main-modifications-appendix-to-inspectors-report-on-waste-plan.pdf](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/new-waste-plan/main-modifications-appendix-to-inspectors-report-on-waste-plan.pdf)