

Consideration of Inspector's Conclusions and Recommendations Regarding the Allocation of Additional Waste Treatment Facilities

Inspector's Conclusions and Recommendations

1.1 In part 8 of his report the Inspector recommends that eight additional sites are safeguarded in the Plan for various waste recycling and recovery activities. The sites were put forward by objectors to the Plan as alternatives to the sites currently allocated in the Plan or as additions to them. The location of the sites and the Inspector's suggested uses are set out in the table below (sites in East Sussex are in bold):

Site	Inspector's Recommendation
Former Ore Power Station, Hastings	Subject to proposals being coordinated with planned redevelopment, road/rail waste transfer, waste reprocessing, materials recycling, composting, mechanical-biological treatment, anaerobic digestion, thermal treatment.
Hollingbury Industrial Estate, Brighton	Materials recycling, composting, mechanical-biological treatment, anaerobic digestion.
Farningham Road Industrial Estate, Crowborough	Materials recycling, composting, mechanical-biological treatment, anaerobic digestion, household waste site. (Note – this site already has planning permission for a household waste site)
Maresfield Camp, Maresfield	Subject to feasibility with regard to the current planning status of the land, materials recycling, composting, mechanical-biological treatment, anaerobic digestion, thermal treatment.
Cophall Wood, Polegate	Materials recycling, composting. (Note – this site already has planning permission for materials recovery and waste transfer station)
Rye Wharf, Rye	Road/water waste transfer, materials recycling, composting, mechanical-biological treatment, anaerobic digestion.
Former Gasworks, Kemptown, Brighton	Materials recycling, composting, mechanical-biological treatment, anaerobic digestion.
Shoreham Harbour, Hove	Subject to proposals being coordinated with planned redevelopment, road/water waste transfer, waste reprocessing, materials recycling, composting, mechanical-biological treatment, anaerobic digestion, thermal treatment.

1.2 Rather than recommending that the Plan be modified to allocate these sites at this stage, the Inspector suggests the sites "have potential for the waste management uses indicated, subject to further investigation" and recommends that the sites be "safeguarded" and "considered for formal allocation at the next review of the Plan".

1.3 The inspector's recommendation is made for the following reasons:

- (i) A wider range of sites would provide greater assurance that adequate recycling and recovery capacity is developed to meet the higher targets proposed by the Inspector and, in any event, there is no reason why more capacity than is actually needed should be identified.
- (ii) The additional sites would in principle be acceptable for waste uses.
- (iii) Identifying them in the Plan might encourage proposals to come forward which would be considered under the Plan's appropriate criteria-based policies.

2. Consideration of the Recommendation and the Councils' Proposed Response

2.1 In his recommendation the Inspector suggests that the additional sites be 'safeguarded' pending formal assessment of their suitability and, depending on the results of this assessment, subsequent formal allocation in the Plan.

2.2 In doing this, the Inspector makes a distinction between 'safeguarding' additional sites and 'formally allocating' them, that implies he considers 'safeguarding' to be a form of identifying sites in the Plan that has lesser impact, in terms of blight, than 'formal allocation'.

2.3 However it is difficult to see how such a distinction can be made. If a site is 'safeguarded' for waste uses in the Plan, then the Councils would be obliged to resist proposals for other forms of development on the basis that these proposals would preclude the ability of the site to be developed for waste uses. If planning permission were rejected on these grounds and the applicant were to appeal, the Councils' position would not easily be defended, as the site would have been merely safeguarded pending a future investigation which may or, importantly, may not, confirm the site's potential for development for a waste use.

2.4 Furthermore, the Inspector suggests that by modifying the Plan such that additional sites are safeguarded, rather than formally allocated, would avoid the delay that would be caused by a further Inquiry required to consider objections to the allocation.

2.5 Again it is difficult to see how this would be the case. Any safeguarding of a particular site is as likely to draw objections from the local community, who may not wish to see waste facilities developed in their locality, as would a formal allocation. As the issues raised by such objections will not have been properly considered by the Inspector, the Councils will be obliged to hold a further Inquiry to examine them or run the significant risk that the Plan would be called in for an Inquiry by the Secretary of State for not having properly considered these matters.

2.6 Such an Inquiry would not only cause significant delay to the adoption of the Plan, but would also likely cause uncertainty for the local community faced with the possibility of a waste facility being developed in their midst.

2.7 It should be noted that approaches have already been made by Hastings Borough Council and Rother District Council who are concerned that safeguarding sites in this manner could preclude developments, other than waste uses, at certain locations identified by the Inspector which are in their jurisdiction.

2.8 In addition it should be noted that, even if the sites put forward by the Inspector were safeguarded they have not undergone a proper appraisal for the uses he suggests and there is no guarantee that these sites would therefore be suitable.

Under the new Planning and Compulsory Purchase Act 2004, any new sites would need to undergo sustainability appraisal and strategic environmental assessment, it would therefore be beneficial to review these sites during the development of the Waste Development Framework such that these additional requirements can be properly incorporated at that time.

2.9 While it is accepted that it could be beneficial to identify more sites in the Plan, it is considered that, for the factors outlined above, the Inspector's recommendations to safeguard additional sites should be rejected.

2.10 Under the new Planning and Compulsory Purchase Act 2004 it will be necessary for the Councils to prepare a new style Waste Development Framework which will replace the Waste Local Plan. Preparation of this document will entail a review of the Plan's strategy and it is proposed that consideration of the suitability of the additional sites put forward by the Inspector for inclusion in the Plan takes place at the same time.

Consideration of the Inspector's Recommendations on Mountfield and Pebsham and Justification of the Councils' Response

1. Background

1.1 In December 1998 the Consultation Draft Waste Local Plan listed ten sites which were considered potentially suitable for the location of an Energy from Waste (EfW) facility. Of the ten sites, seven were in the west of the Plan area, one was in the north-west and two were in the east at Pebsham and Mountfield. For the Plan to meet its strategic objectives, which include:

- (a) to reduce the amount of waste to be disposed of to land;
- (b) to minimise road traffic, and;
- (c) to provide an integrated waste management strategy,

1.2 It was agreed that it was necessary to identify two sites in the Plan for EfW, one in the west and one in the east. The Councils decided that Mountfield should be allocated as the preferred location in the east for EfW and MRF/WTS and this site was allocated in the First Deposit Waste Local Plan, which was published for consultation in November 2000.

1.3 Objections to the allocation of Mountfield were made on the following grounds (as summarised by the Inspector on page 133 of his report):

- Objections in principle to incineration.
- Land availability; feasibility of rail transport; risk of subsidence.
- Landscape impact; effect on AONB and tourism; availability of alternatives; effect on nature conservation.
- Effect on highway safety and congestion.
- Compatibility with other planning policies; compliance with proximity principle.
- Noise and disturbance to local residents; other environmental impacts.
- Risk of pollution to Darwell Reservoir and other water supplies; or to farmland.

1.4 Many objectors to the Mountfield allocation felt that a site at Pebsham would be better suited for a waste facility due to its closer proximity to the main areas of waste arising in the east of the County, i.e. Hastings and Bexhill. In addition Mountfield's position within an Area of Outstanding Natural Beauty (AONB) was also highlighted as a matter of concern. In light of this, officers recommended that the Plan be modified such that land at Pebsham be allocated for a Materials Recovery Facility/Waste Transfer Station. In response to this recommendation, Pebsham was included in the Second Deposit WLP as a 'reserve' allocation for a Materials Recovery Facility/Waste Transfer Station in the event that land for such facilities did not become available at Mountfield.

1.5 The Second Deposit WLP was published for consultation in April 2002. Objections to the inclusion of Pebsham in the Second Deposit WLP were made on the following grounds (as summarised by the Inspector in his report):

- Should the site be allocated in its own right rather than as a reserve; what types of facility might be accommodated; relationship to Mountfield proposal.

- Landscape impact; relationship to proposed countryside park; strategic gap policy; local recreation provision.
- Vehicular access; congestion; absence of rail link.
- Effect on amenity of local residents; history of waste management; relationship to landfill site.
- Availability of alternative locations.

1.6 It should be noted that in their response to the First Deposit WLP, the owners of the Mountfield site, British Gypsum, only submitted a non-specific objection regarding the suitability of Mountfield for EfW, saying that they were “not convinced” that they “should support the use of its land as part of the waste plan”. However, in their response to the Second Deposit Waste Local Plan, British Gypsum strengthened their position and made a clear objection to the Mountfield allocation on the grounds that, due to a change in their operations, there was now insufficient space at the site. British Gypsum strenuously defended this position at the Public Inquiry.

1.7 At the Public Inquiry, Hastings Borough Council and Rother District Council gave evidence to support their objection to the allocation of Pebsham. Their evidence included the assertion that there were other sites better suited to the MRF/WTS allocation than Pebsham and this was evidenced by putting forward an alternative location adjoining Ivyhouse Lane Industrial Estate. Since then Rother District Council’s Services, Overview and Scrutiny Committee have considered the Inspector’s Report and formally requested that the Councils look further at this site’s potential for development of a MRF/WTS.

2. The Inspector’s Conclusions and Recommendations

2.1 Inspector’s Conclusions Regarding Mountfield

2.1.1 The Inspector’s conclusions regarding the objections to the allocation of a Mountfield for Energy from Waste and a Materials Recovery Facility/Waste Transfer Station are set out in pages 124 to 132 and are summarised as follows:

Planning Policy and Landscape

2.1.2 The effect of a conventional incinerator on the landscape quality of the High Weald AONB would be unacceptable. It may be possible to locate smaller scale non-strategic waste management facilities in this location.

Land availability/feasibility

2.1.3 Due to existing operations at the site and the possibility of subsidence there is little likelihood that sufficient land would become available during the Plan period that would allow the development of waste management facilities. If land did become available a scheme could be promoted under the criteria based policies WLP 13 –19.

Rail and vehicular access

2.1.4 There is insufficient room at the site to accommodate the existing deliveries to the site by rail with a substantial rail-based waste management facility. There are various problems associated with road access to the site but these are not insuperable, however, if the site were to be accessed by road then this removes any advantage afforded to the site in the selection process because of its rail connection.

Harm to Health/Pollution of the Environment

2.1.5 These matters would be controlled by adherence to conditions of a pollution control permit issued by the Environment Agency.

Impact of Overhead Power Lines

2.1.6 Power would be taken from the plant via underground cables and the impact of overhead cables would therefore not arise.

Nature Conservation

2.1.7 There would be no risk of adverse impact on adjacent conservation areas.

Residential Amenity

2.1.8 The site is remote from significant residential developments, although local concerns would need to be addressed at the planning application stage.

2.2 Inspector's Recommendation Regarding Mountfield

2.2.1 In his report the Inspector recommends that the allocation of Mountfield be deleted from the Plan.

2.3 Proposed Councils' Response

2.3.1 It is proposed to accept the Inspector's recommendation on Mountfield as it is accepted that it is highly unlikely that land at Mountfield would become available for the development of such a strategic facility during the life of the Plan. This is a changed position that has evolved as a result of the landowners increasing the scale of their use of the land.

2.3.2 It is not proposed to allocate an alternative site to Mountfield for EfW. This is because an alternative EfW site would likely attract a significant number of objections that would need to be considered at a further public inquiry. This would delay the Plan's adoption and add significant cost to the process. By not allocating a replacement site an application for such a facility could be made in any case and its merits would be assessed by the Council against the Plan's criteria based policies.

2.4 Inspector's Conclusions Regarding Pebsham

2.4.1 The Inspector's conclusions regarding the objections to the allocation of a Pebsham as a reserve MRF/WTS are set out on pages 133 to 139 and summarised as follows:

Deletion of Mountfield

2.4.2 As the Inspector does not consider that Mountfield is a suitable allocation for waste management facilities, and as Pebsham was a reserve site to be used if Mountfield became unavailable, it follows that Pebsham should in turn form a substantive allocation.

Planning history: status of existing facility

2.4.3 As far as planning powers are concerned the existing Waste Derived Fuel Plant has a right to remain in perpetuity and the site would be safeguarded under the Plan policy WLP5 as an existing waste management site with permanent planning permission.

2.4.4 There is a strong strategic need to provide for waste management capacity in the east of the Plan area and Pebsham is well related to sources of waste in the Bexhill/Hastings area and to the proposed landfill at Ashdown brickworks.

Landscape impact and proposed countryside park

2.4.5 Landscaping could mitigate the visual impact and ensure that development fitted acceptably with the countryside park concept.

2.4.6 Because of their special nature, the development of waste management facilities in this location would not justify other development that could be prejudicial to the countryside park or the strategic gap.

2.4.7 Allocation of the land identified as part of the allocation adjoining the WDF Plant to the east would allow room for careful siting of any new plant and/or landscaping.

2.4.8 Because of its bulk and height of its chimney a conventional incinerator would not be acceptable in this location.

2.4.9 The allocation is acceptable on landscape grounds, however a high standard of landscaping and facility design that took the countryside park into account would be necessary.

Highway safety and congestion

2.4.10 Any facility is unlikely to give rise to more traffic than that currently resulting from the WDF Plant and landfill site. The proposed link road would alleviate traffic congestion on the A259. Any proposal would need to consider traffic impact.

Residential amenity

2.4.11 A waste facility already exists at the site with permanent planning permission and it is possible that a replacement facility could have less of a visual impact if it did not include a chimney.

2.4.12 A pollution control permit issued by the Environment Agency would control odour and noise. Many of the current problems on vermin and litter are associated with the existing landfill and it is not proposed to continue this use.

Alternative sites

2.4.13 The alternative site put forward in the Plan was Mountfield but this is discounted by the Inspector. Additional weight should be given to the fact that a waste management facility with permanent planning permission already exists at Pebsham.

2.4.14 The Ivyhouse Lane site had not previously been put forward by Rother DC and Hastings BC before the Inquiry and therefore the Inspector did not give it formal consideration. The Inspector notes that the site offers some potential but even if some waste management capacity were acceptable there he considered it would not rule out Pebsham.

2.4.15 Land at Ore power station should be identified in the Plan as a potential location pending further investigation, but again, the existence of this site does not rule out the need for the Pebsham allocation

2.5 Inspector's Recommendation Regarding Pebsham

2.5.1 The Inspector recommends that the allocation of Pebsham in the Plan be modified as follows:

1. The allocation changes from a 'reserve' to a substantive status.

2. The waste uses at the site are expanded from Materials Recovery and Waste Transfer to 'Materials Recycling, composting, mechanical biological treatment, anaerobic digestion and thermal treatment (excluding conventional incineration)¹,

2.6 Proposed Councils' Response

2.6.1 It is proposed that the substitution of Pebsham for a Materials Recycling and Waste Transfer is accepted for the following reasons:

- a) The current draft Plan, allocates Pebsham as a 'reserve' site for materials recovery² and waste transfer for use in the event that such facilities do not come forward at Mounfield and therefore it follows that, with the deletion of Mounfield, Pebsham should be allocated for such uses.
- b) There is a pressing need for materials recovery and waste transfer capacity in the east of the Plan area. The deletion of both Mounfield and Pebsham from the Plan would severely restrict the Councils' ability to ensure that this need is met.
- c) The identification of a new site, in place of both Mounfield and Pebsham, would lead inevitably to objections which would require consideration at a further Inquiry before the Plan could be adopted. In any event, earlier site searches did not reveal other locations which are better suited than Pebsham. The Ivyhouse Lane site put forward by Hastings B.C. and Rother D.C. may have potential but constraints on development in this location include:
 - (i) Location within an AONB and adjacent to Ancient Woodland
 - (ii) The site is overlooked from the west and east.
 - (iii) Adjacent feeder roads are already judged to be at capacity.

The Inspector acknowledges that he was unable to properly consider this site at the Inquiry.

- d) Pebsham is well located to the main source of waste arising in the area, i.e. Bexhill and Hastings (together, Bexhill and Hastings produce around three quarters of municipal waste arising in Rother district).

2.6.2 However it is proposed that the Inspector's recommendation to broaden out the uses at this site to include Mechanical Biological Treatment, Anaerobic Digestion or Composting should not be accepted as the site has not been properly appraised for

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'Thermal treatment (excluding incineration)', is understood to mean the processes of 'pyrolysis' and 'gasification'.

Gasification involves the partial combustion of a portion of the waste in air or oxygen. The majority of the waste is then converted into fuel-rich gases at high temperatures. Pyrolysis uses different technology, involving the heating of organic waste in anaerobic (airless) conditions. Solid organic materials are decomposed by heat, requiring an input of energy; no combustion takes place. Mixtures of gaseous, liquid and solid fuels are produced. In both processes, residues are produced and the fuel products can be combusted to generate heat and power or the gas used to power gas engines. Pyrolysis and Gasification do not involve the direct combustion of unsorted waste. In contrast to mass burn incineration, these methods are not generally tried and tested waste management techniques for municipal waste, particularly in the UK.

² Although the Plan uses the term 'materials recovery' and the Inspector uses 'materials recycling', they both have the same meaning.

these uses. While the matter of thermal treatment (in the form of pyrolysis and gasification) was considered at the Inquiry, it is not proposed that the Plan be modified to include this at Pebsham because:

- a) This form of waste management has not been adequately assessed at this site, and;
- b) In any event such a proposal could be considered, and potentially allowed under the Plan's generic policies including WLP19.

It is proposed that a review of the Plan, required under the new Planning and Compulsory Purchase Act 2004, to produce Waste Development Plan Documents will provide an opportunity to re-appraise and consult on any additional uses with a view to broadening these out if this is appropriate. Under this Act the reappraisal would need to include the new requirement for a Sustainability Appraisal.

Meanwhile any planning applications for Composting, Anaerobic Digestion, Mechanical Biological Treatment or Thermal Treatment at Pebsham will be assessed against the criteria policies WLP13, WLP18 or WLP19 as appropriate.

Consideration of Inspector's Recommendations Regarding the Plan's Recycling and Recovery Targets

1. Introduction

1.1 In his report the Inspector recommends that the Plan's targets for the recycling of household waste and recovery of municipal waste be increased. In addition he recommends that targets for commercial and industrial waste (C&I) waste and inert waste be included as policy in the Plan. It is proposed that these are recommendations rejected and this is considered in more detail below.

2. Household and Municipal Waste

2.1 Current Position

2.1.1 Policy WLP1 in the Second Deposit WLP includes aspirational targets for minimum levels of household waste that should be recycled and levels of municipal waste that should be recovered. Strategic sites for waste recycling and recovery facilities have been identified in the Plan to help enable the development of additional waste treatment capacity within the Plan area.

2.1.2 The Plan's current targets exceed national targets and will be challenging to meet. In part of his response to objectors who feel that the national targets are too low, the Inspector makes the following comment in paragraph 5.39 of his report:

"I do not agree that the Government targets are undemanding and it would be unwise to be so complacent. Even to promote through the planning process the level of recycling and composting capacity to reach these targets will be an achievement. A reduction in the proportion of waste landfilled to 33% in 2015 would be a significant step towards sustainable waste management in the Plan area."

2.2 Inspector's Conclusions and Recommendations

2.2.1 In Part 5B of his report, the Inspector has recommended that targets be set for recycling of municipal waste in place of household³ waste and, in most cases, the targets should be increased (see Table 1 below).

2.2.2 The Inspector recommends that the Plan's 2005/6 target for recycling and composting household waste of 30% should effectively be reduced by substituting it with a target of 25% for recycling and composting municipal waste.

³ Household waste is waste from private householders and is collected by the local authority or its contractor. It also includes waste deposited at Household Waste Sites. Municipal Solid Waste (MSW) includes all household waste, **plus** any other wastes collected by the local authority or its contractors, such as commercial waste from shops and smaller trading estates, municipal parks and garden waste and street and beach cleaning waste. In East Sussex and Brighton & Hove 95% of MSW is household waste.

Table 1 – Comparison of Plan Targets and Inspector’s Recommended Targets

Target Date	Recycling/Composting		Total Recovery (inc. recycling/composting)	
	Waste Plan	Local Inspector	Waste Plan	Local Inspector
2005/6	30% Household	25% MSW	40% MSW	40% MSW
2010/11	33% Household	35% MSW	50% MSW	67% MSW
2015/16	40% Household	45% MSW	67% MSW	80% MSW

2.2.3 While his reasons for decreasing the target in 2005/6 are unclear, he recommends increases in recycling and recovery targets for the following two reasons:

- (i) He considers that there is now a consensus that recycling and composting targets should increase and that this consensus will assist in achieving in these higher levels. He considers that this consensus is evidenced by the proposed higher targets set in the 2003 draft Regional Waste Strategy⁴ and those discussed in the Government’s Strategy Unit report “Waste Not, Want Not”⁵,
- (ii) The amount of landfill voidspace actually identified in the Plan is less than the amount that the Plan predicts will be required and there is therefore a need to preserve the voidspace identified by diverting waste to other methods of management (i.e. recycling and recovery).

2.2.4 At the same time his conclusions contain an important comment regarding the likelihood of achieving higher targets. In particular he makes the following comment in paragraph 5.42 of the report:

“It is very easy to set high recycling/composting targets; it is another thing to achieve them. It would not only be pointless, but positively harmful, to set targets in a statutory Local Plan without a serious intention of achieving them and being satisfied that it is reasonably practicable.”

2.2.5 A significant consequence of the recommendations for higher targets are the Inspector’s further recommendations elsewhere in the report that specific additional new locations be safeguarded for development as waste recycling and recovery facilities. These recommendations are considered in Appendix 3.

2.3 Proposed Councils’ Response

2.3.1 Before accepting the Inspector’s recommendations and in light of his comment set out in paragraph 2.2.4, it was felt important that a thorough assessment

⁴ Regional Waste Management Strategy Consultation Draft, SEERA, March 2003

⁵ Waste Not Want. A Strategy for Tackling the Waste Problem in England. Strategy Unit, November 2002. This report was prepared to provide recommendations to Government but is not Government policy.

of the targets was carried out with a view to establishing whether it would be 'reasonably practicable' to achieve them. To this end, independent consultants (ERM) were appointed to provide advice to the Councils and this is set out in a separate report⁶ (a draft of the report is included as Appendix 7). It is proposed that the final report is made available for public inspection at the time of publication of the Councils' Response.

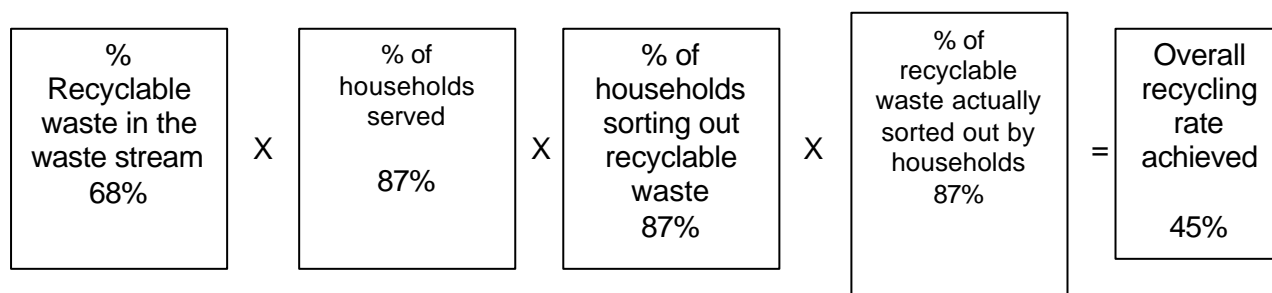
Report on Practicability of the Inspector's Recommended Targets

2.3.2 On the Inspector's recommendation to decrease the recycling target for 2005/6, the consultants advise that this should be rejected as the recommended target falls below the Councils' statutory recycling and composting targets.

2.3.3 On the recommendations to increase the recycling and recovery targets, the consultants advise caution before accepting the recommendations for several reasons which includes the following:

- (a) Adopting the targets would require a large increase in the tonnage of materials that would need to be collected for recycling and composting as well as recovered and this would have significant attendant cost implications for the Councils.
- (b) The need to provide additional or larger recovery and recycling facilities than those currently planned.
- (c) Such targets could only be achieved if:
 - a. More difficult to access households (e.g. flats) are provided with a comprehensive collection service.
 - b. Households that are reluctant to sort out recyclable waste from their other waste are persuaded to do so.
 - c. More difficult to recycle materials are separated and collected.

The importance of these factors is shown in the following diagram, which illustrates the high levels activity that would be required to achieve a recycling rate of 45%.



The consultants indicate these parameters are not currently being commonly achieved, e.g. a 60% participation rate is more usual and at an aggregate level this performance will be difficult to attain.

⁶ 'Review of the Practicability of Targets in the Inspector's Report on the Inquiry into the East Sussex and Brighton & Hove Waste Local Plan', ERM, October 2004 (See Appendix 7)

- (d) There would also be a requirement for significant investment and commitment from the Waste Collection Authorities in East Sussex over which the Councils have no control.
- (e) The recommended targets significantly exceed current UK best practice, and equal the very best in current European practice, where, in any case, the types of waste recycling counted towards the targets provide for artificially inflated rates.

2.3.4 In addition the report notes that the definition and levels of recycling and recovery targets are in a current state of flux and as a result it would be 'counter-productive to revise the targets in the WLP, since they may rapidly prove out of date or redundant'.

Summary

2.3.5 As the particular pressures on landfill void-space in the Plan area are well understood the Inspector's desire for increased rates of waste recycling and recovery is welcomed. Indeed it is these pressures that led the Councils to adopting targets in the draft Plan that exceed the Government's own targets. At the same time it is considered that setting high targets without certainty that the resources to achieve them would be put in place would be harmful.

2.3.6 Setting higher targets means identifying new sites for waste uses and, as we have seen with many of the sites in the current Plan, this leads to considerable uncertainty and uncertainty for local communities. Without guarantees that these targets could be met there is therefore no certainty that these additional sites would be required and, in turn, communities would have been placed in an invidious position unnecessarily.

2.3.7 It is also important to consider that if new sites were to be included in the Plan, a further public inquiry would be necessary to consider objections that would inevitably be received. Such an Inquiry would further prolong the period during which the Councils are without a proper framework for making structured decisions on planning applications for waste facilities.

2.3.8 For these reasons, therefore, it is considered that the Inspector's recommendations on the Plan's recycling and recovery targets for household and municipal waste be rejected.

3. Commercial and Industrial Waste

3.1 Current Position

3.1.1 In Waste Strategy 2000 the Government sets a single target for a reduction in the amount of commercial and industrial (C&I) waste that goes to landfill. This target is for the amount of C&I waste landfilled in 2005 to be 85% of that which was landfilled in 1998.

3.1.1 While the Plan's policies do not include targets for C&I waste the Plan predicts levels that might be achieved in order that assessments of future landfill requirements may be made.

3.1.2 Based on existing levels of recycling and recovery and an assumption that these will increase as markets for recycled materials improve, the Plan models the C&I waste stream with a prediction that an overall recovery rate of 50% will be achieved by 2015/16. Based on estimates of C&I waste arising in 2000/01 and projecting these forward 15 years the Plan suggests that, if 2015/16 50% recovery rate is projected back to 2005, the Government target, described in paragraph 3.1.1 above, would not be met.

3.1.3 It should be noted that the accuracy of C&I waste data is notoriously poor. This is because a significant quantity of this waste arising is managed in ways that are not strictly monitored, i.e. waste is managed at facilities which are exempt from the need for a waste management licence and hence formal returns to the Environment Agency are not required. This problem has been recognised nationally and in October 2004, DEFRA commenced consultation on a strategy that, amongst other things, is intended to improve the accuracy of data related to waste in this sector.

3.2 Inspector's Conclusions and Recommendations

3.2.1 The Inspector considers the Plan's position on commercial and industrial waste in part 5B of his report.

3.2.2 The Inspector concludes that by setting targets in the Plan, the Councils would be able to make decisions on planning applications for facilities for managing commercial and industrial waste based on a proposal's ability to contribute to meeting a target.

3.2.3 The Inspector also notes that C&I waste targets have been postulated in the draft Regional Waste Management Strategy.

3.2.2 He concludes that the Plan should set formal targets for this waste stream in Policy WLP1, and recommends the following:

- (i) 55% recovery by 2005
- (ii) 68% recovery by 2010
- (iii) 75% recovery by 2015

3.3 Proposed Councils' Response

3.3.1 During the Inquiry it was accepted that, ideally, setting recovery targets for C&I waste should provide a measure of progress towards reducing the amount of C&I waste that is disposed of to landfill, however, as the data associated with this waste stream is so poor, setting such targets in the Plan would at best be meaningless and at worst be harmful. The recommendation to include such targets in the Plan should therefore be rejected.

3.3.2 This position is supported by the advice received from the consultants (see paragraph 2.3.1) who put forward other reasons for rejecting this recommendation.

3.3.3 In their report the consultants advise that the management of C&I waste is strongly affected by market forces over which the Councils have little control. Their report suggests that setting C&I targets for an area covered by a Waste Planning Authority (WPA) and allocating appropriate sites accordingly, will not necessarily lead to companies establishing facilities for C&I waste in these locations. This is because the WPA cannot require C&I waste arising in its area to be managed within that area. The main factor affecting the establishment of such a facility is whether it is likely to

be economically viable. An assessment of a facility's viability includes consideration of whether sufficient waste can be attracted to it and this depends on its proximity to waste arisings as well as the presence of existing facilities. A worst case scenario would be where C&I waste facilities are provided within the Plan area but not used because waste can be disposed of more cheaply at a landfill outside of the area.

3.3.4 The consultants also note that a significant quantity of recyclable waste from the commercial and industrial sector is produced in bulk, e.g. supermarkets' cardboard packing materials, and is therefore segregated on site and transported directly for reprocessing without the need for a local transfer facility. Plan targets for C&I waste intended for the planning of local facilities could therefore lead to an over-provision of such facilities.

3.3.5 The consultants recommend that rather than planning for additional facilities for the recovery of C&I waste, the Plan should encourage the development of combined facilities that have the capacity to deal with both municipal waste and C&I waste in the same location. The consultants note that the Plan already encourages this approach in policy WLP1(d).

4. Inert Waste

4.1 Current Position

4.1.1 As with C&I waste, the current Plan does not set targets for the recycling and recovery of inert waste. Instead, in order to model the need for landfill for inert waste, the Plan suggests that a 60% re-use and recycling level could be achieved for inert waste by 2011.

4.1.2 The national waste strategy does not include recovery targets for inert waste.

4.1.3 The Plan suggests that a dedicated facility for the management of inert waste will not be necessary as waste will be recovered in the following ways:

- (i) Increased recycling;
- (ii) Non inert landfill sites use of inert waste for cover and engineering purposes;
- (iii) Backfilling and restoration of mineral workings;
- (iv) Restoration and improvements to other land.

4.2 Inspector's Conclusions and Recommendations

4.2.1 The Inspector comments on the Plan's strategy for inert waste in Part 5D of his report.

4.2.2 Based on recovery targets for construction and demolition waste put forward in the draft Regional Waste Management Strategy and considering current levels of recovery the Inspector recommends that the Plan should include a target for re-use and recycling of 81% by 2010.

4.3 Proposed Councils' Response

4.3.1 As with C&I waste, the accuracy of data relating to inert waste is very poor. A significant quantity of inert waste is managed at sites where there is no requirement for the operators to make data returns to the Environment Agency. It is therefore

difficult to see what purpose a target will serve when there can be very little confidence in any measurement of progress towards meeting this target.

4.3.2 As written, the Plan already encourages all waste to be managed more sustainably and therefore any proposal coming forward for managing inert waste which does not further this aim can be rejected under other policies in the Plan. It is therefore proposed that this recommendation be rejected.

APPENDIX 6

Waste Local Plan Timetable

Members of the County Council and City Council consider the Response to the Inspector's Report at meetings of Full Council.		ESCC – 7 December B&HCC - 20 January 2004			
Councils' Response to the Plan and associated Modifications published for a statutory six-week period of consultation.		11 February 2005 to 25 March 2005			
Objections received during consultation published for inspection.		August 2005			
Members of the County Council and City Council to consider objections and decide to either: 1. adopt the Plan, or; 2. make further modifications, or; 3. hold a further Public Inquiry.		November 2005			
1. Plan adopted		2. Further modifications		3. Public Inquiry	
Publish notice to adopt.	Dec 2005	Modifications published for consultation.	Dec 2005	Pre – Inquiry meeting.	May 2006
Plan adopted.	Jan 2006	Objections published.	Feb 2006	Inquiry.	September 2006
		Members consider objections and decide to adopt.	April 2006	Inspector's Report received.	March 2007
		Plan adopted.	May 2006	Response to report published.	June 2007
				Plan adopted?	Dec 2007

