

Report to: **Cabinet**

Date: **24 November 2004**

By: **Director of Transport and Environment**

Title of report: **East Sussex and Brighton & Hove Waste Local Plan – Response to Inspector’s Report and Proposed Modifications**

Purpose of report: **To seek approval for a response to the Inspector’s Report and proposed Modifications to the Waste Local Plan.**

To seek approval for publication of the Council’s response and proposed Modifications for a statutory six-week period of consultation.

To inform Cabinet of the current timetable for the adoption of the Waste Local Plan.

RECOMMENDATIONS

The Cabinet is recommended to recommend the County Council to:

- 1. agree the response to the Inspector’s Report on the East Sussex and Brighton and Hove Waste Local Plan and proposed Modifications to the Plan as set out in the separate schedules accompanying this report;**
 - 2. publish the Councils’ response to the Inspector’s Report and proposed Modifications for public comment for a statutory six-week period commencing on 11 February 2005 subject to the agreement of Brighton & Hove City Council;**
 - 3. authorise the Director of Transport and Environment, in consultation with the Lead Member for Transport and Environment, to agree any further necessary minor changes to the text of the Modifications to the Plan and any reasons for rejecting the Inspector’s recommendations in conjunction with Brighton & Hove City Council; and**
 - 4. agree to the revised timetable for adoption of the Waste Local Plan.**
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1. Financial Appraisal

1.1 The costs of consulting on the Councils’ response to the Inspector’s Report are already included in the Department’s budget as a specific allocation. As the Waste Local Plan (WLP) is being prepared jointly with Brighton & Hove City Council, costs are shared on a two thirds/one third basis. This Council’s budget provision for the WLP process is £111,300 in 2004/5 and indicatively £97,000 in 2005/6. Subject to there being no requirement for a second Public Inquiry and to adoption of the Plan being achieved in 2005/6, expenditure should be contained within these amounts. If a second Inquiry became necessary, costs could rise by around £200,000, plus additional costs would be incurred to fulfil new EU regulations for strategic environmental assessment which are required for Plans adopted after July 2006. Any significant changes will be considered as part of the Reconciling Policy & Resources exercise as they become known.

2. Supporting Information

Introduction

2.1 The Waste Local Plan represents the Council's policy on the use of land in East Sussex for waste management activities.

2.2 On 2 June 2004 the Councils received the report of the Inspector into objections to the WLP. It is a statutory requirement for the two authorities to publish a response to the Report (the 'Councils' Response') for a six-week consultation period. Where recommendations are accepted, appropriate Modifications to the Plan are put forward, and where they are rejected, reasons for rejection are provided. Any significant Modifications (e.g. new sites not previously consulted upon) which attract new objections, may generate grounds for a further Inquiry, as may also the rejection of recommendations without good planning reasons.

Inspector's Recommendations and Proposed Councils' Response

2.3 While the majority of the Inspector's recommendations are relatively minor, those concerned with the Plan's recycling and recovery targets and the allocation of sites require fundamental changes to the Plan. An assessment of these recommendations and the proposed way forward is provided in Appendices 3, 4 and 5.

2.4 The full proposed Councils' Response is set out in the 'List of Modifications' and 'Statement of Reasons' included with this report as Appendices 1 and 2 respectively. Minor non-material changes to the Councils' Response may be necessary prior to publication and it is recommended that agreement on these be delegated to the Director of Transport and Environment, in consultation with the Lead Member for Transport and Environment in consultation with the Lead Member for Transport and Environment. Any major changes will be brought back to the Cabinet for consideration.

2.5 It should be noted that the Inspector recommends certain issues (e.g. the consideration of other sites) be reviewed once the Plan is adopted. In addition, part of the proposed Councils' Response is to remit further work to a review. Additionally, transitional arrangements under the Planning and Compulsory Purchase Act 2004 only provide for local plans to be "saved" for three years, before a new-style Waste Development Framework is put in place. There will, therefore, need to be a commitment to start this work in the Council's Minerals and Waste Development Scheme (see separate report to this meeting of Cabinet). Not including this work in the scheme could lead to financial penalties and the prospect of the adopted Plan not being "saved" for more than three years. This review will include a reassessment of the allocation of sites in the Plan, taking into account developments in relevant national and regional policy as well as local infrastructure.

Consultation Arrangements and Future Timetable

2.6 It is proposed that consultation on the Councils' Response commences on 11 February 2005. A revised timetable for adoption of the WLP is attached as Appendix 6.

3. Conclusions and Recommendations

3.1 Together with Brighton & Hove City Council, the County Council is statutorily obliged to publish a response to each recommendation contained in the Inspector's Report into objections to its Waste Local Plan. I recommend that the proposed Response, which includes modifications to the Plan and forms appendices to this report, is published as the Councils' Response for a six week consultation period on 11 February 2005.

BOB WILKINS
Director of Transport and Environment
16 November 2004 C24NOV-WLP-Mods

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Local Members: All

BACKGROUND DOCUMENTS

1. East Sussex and Brighton & Hove Waste Local Plan Second Deposit Draft, April 2002.
2. East Sussex and Brighton & Hove Waste Local Plan Inspector's Report, June 2004.

PART ONE

LIST OF MODIFICATIONS

PART TWO

STATEMENT OF REASONS

**INDEPENDENT CONSULTANT'S REPORT –
'REVIEW OF THE PRACTICABILITY OF
TARGETS IN THE INSPECTOR'S REPORT ON
THE INQUIRY INTO THE EAST SUSSEX AND
BRIGHTON AND HOVE WASTE LOCAL PLAN'**