

Report to: Cabinet

Date of Meeting: 7 December 2015

Report Title: East Sussex County Council Waste and Minerals Sites Plan - Proposed Submission Draft

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Purpose of Report

To gain Cabinet approval to submit formal representations on the Submission version of the County-wide Waste and Minerals Sites Plan, for consideration at Independent Examination

Recommendation(s)

- 1. That the Council submit an objection to the emerging Waste and Minerals Sites Plan as a whole, in view of its significant conflict with the policies in the adopted Hastings Development Management Plan 2015.**
- 2. That the Council specifically objects to the identification of 3 'Areas of Search' sites and 1 'Area of Opportunity' site within the Hastings borough boundary for the purposes of waste disposal/waste management. These are considered to be in direct conflict with Policies in the recently adopted Development Management Plan and will significantly prejudice delivery of employment opportunities within the Borough.**
- 3. The Council would reaffirm its previous objection to the inclusion of the site at Whitworth Road as an area of search and in light of Hastings' previously expressed concerns is disappointed that this appears in the Proposed Submission version of the Plan.**
- 4. Urge East Sussex County Council to consider preparing a Revised Proposed Submission draft of the Waste and Minerals Sites Plan in light of this Council's concerns.**
- 5. The Council reserves the right to appear at future Hearing Sessions as part of the Waste and Minerals Site Plan Examination in Public in order to support its objection.**

Reasons for Recommendations

To enable the Council's strong concerns to be made known to the County Council as part of the preparation of its Waste and Minerals Sites Plan, and to allow them to be addressed in a final version of the Plan.

To enable the Council's views to be considered as part of the Examination in Public of the Waste and Minerals Sites Plan by an independent Planning Inspector.

Introduction

1. East Sussex County Council has published the final version (The Proposed Submission version) of its Waste and Minerals Sites Plan for formal consultation, prior to its submission and consideration by an independent Planning Inspector at Examination in Public.
2. Essentially the Waste and Minerals Sites Plan identifies sites for new waste management facilities, whilst protecting those existing. Its purpose is to identify enough new waste management facilities across the County to provide for the additional recovery and recycling capacity required to meet overall targets for diverting waste from landfill, and for East Sussex to be self-sufficient overall in waste management capacity. The proposed timescale of the Plan covers the period to 2026.
3. Notwithstanding the county wide coverage of the Plan in seeking to ensure that there is appropriate capacity for meeting this important function, this report focuses upon those elements of the Plan with particular relevance and concern to Hastings. The Waste and Minerals Sites Plan identifies 4 locations as being either areas of search for, or areas of opportunity for, waste related development within Hastings Borough. It is of particular concern that these locations are made up of 5 of the sites specifically allocated for employment purposes in the Council's very recently adopted Development Management Plan (DMP). These 4 locations are:
 - Ivyhouse Lane Extension
 - Burgess Road
 - Whitworth Road
 - Land west of Queensway (2 allocated sites in the DMP)
4. These sites are all formally allocated for employment (as a mix of B Use Classes) use in the recently adopted Hastings Development Management Plan. Such uses, under the Council's now adopted Policies, would not include waste recovery or waste related uses.
5. Representations made at this stage will be forwarded to the appointed Planning Inspector for consideration during the Examination process of this Waste and Minerals Sites Plan. Representations made must be based on the "Tests of Soundness" and "Legal Compliance" as required by the National Planning Policy Framework (see paragraph 21 below).

Previous consultations

6. Hastings Borough Council previously submitted comments in August 2014 on the emerging draft Waste and Minerals Sites Plan. In summary, the Borough Council's response was to:

- a) Support the draft Plan providing that possible future waste management facility uses will be in conformity with policies in the Hastings Planning Strategy and Development Management Plan, and will not impact on the amenity of nearby residents
 - b) Object to the inclusion of the site at Whitworth Road due to the potential impact on marketing, promotion, development and regenerative impact of the site, in light of the intended business gateway.
 - c) Include existing concrete batching plant at Hanson Quarry on Sedlescombe Road North in relevant policy, in order to safeguard its continued use.
7. The County Council noted recommendation a), but did not accept recommendation b). They argue that modern waste management facilities are a source of secure long-term employment, and that investment in modern facilities can benefit the local economy. The version of the Plan now being consulted upon has been amended to take account of recommendation c).

Timetable

8. Representations on the County's Plan must be formally submitted by Wednesday 23 December 2015.

Consideration

9. The Waste and Minerals Sites Plan is intended to be a guide to the suitability of potential waste sites, and the County Council indicates in its proposed submission Plan that not all proposals will need to be developed by the waste industry to meet their overall targets for recycling and recovery. The final number of waste development sites required depends largely on the size and capacity of the new facilities that do come forward. As the scale of what might be needed or proposed is not clear at this stage this does give some additional cause for concern in respect of potential impact upon allocated sites within the DMP.
10. Despite only a proportion of sites being likely to be required, the inclusion of sites in a Local Plan document such as this will establish the principle of such development, should the Waste and Minerals Sites Plan be adopted in its current form. In particular the establishment of such principle with regards to a number of the prime employment sites identified within the DMP could impact significantly upon the Council's employment strategy. It is therefore important that this Council register any objections at this stage, and seek to change what is not considered to be in Hastings' best interest.

Allocation of sites for waste development – conflict with adopted Local Planning Policy

11. The Hastings Development Management Plan was formally adopted by Full Council on 23 September 2015, following detailed consideration at Examination in Public, and approval from the Secretary of State. There are 5 individual employment (mix of B use classes) allocations in the Development Management Plan that make up the 4 identified "Areas of Opportunity" and "Areas of Search" in the Waste and Minerals Sites Plan. The identification of these areas/sites for waste development purposes which are classified as a "sui-generis" use class, as opposed to our own employment (ie namely a mix of "B" use class) uses is

therefore clearly a departure from the Development Management Plan allocations, and as such, is contrary to adopted Local Plan policy.

12. It should be emphasised that a critical part of this Council's previous consultation response to the then emerging Waste and Minerals Plan was to support the draft Plan **“providing that possible future waste management facility uses will be in conformity with policies in the Hastings Planning Strategy and Development Management Plan, and will not impact on the amenity of nearby residents”**.
13. It is worrying that the Site Screening Document, which forms part of the submission documents that accompany the Waste and Minerals Sites Plan, does not acknowledge incompatibility or conflict with the employment allocations in the adopted Development Management Plan for any of the sites proposed, which is undoubtedly the case. This is a matter which was clearly a proviso set down in Hastings earlier supportive response to the then emerging Plan. It is further considered that the development of these sites for waste management/waste recovery purposes, including the as yet unknown scale of any waste facilities required, is also likely to impact upon nearby residents – an additional and important caveat set out in our earlier comments to the County's emerging Plan.

Evidence and deliverability

14. The employment allocations for a mix of B class uses in this Council's Development Management Plan are based on extensive evidence gathering and widespread consultation with landowners, businesses and residents in order to be able to demonstrate deliverability at Examination in Public. It is uncertain whether at this stage whether the County has approached relevant landowners in respect of their proposed “Areas of Search” and any willingness for the land to be used for this purpose. Land uses for such waste purposes might well attract significantly less value than those for other employment uses; and thus prove undeliverable on this basis. Certainly the Council's previous objection to the identification of the site at Whitworth Road in particular (and which is Council owned) demonstrates that without the landowner's agreement, there is little or no prospect of delivery, and therefore should not be allocated in the Waste and Minerals Sites Plan if it is to be considered “sound”.

Impact on job creation and demand

15. There is a compelling need within Hastings to ensure that the Council makes maximum use of our allocated employment space due to the continuing low job density rate in Hastings, together with the constrained/lack of available employment space. This is needed for a variety of reasons; but especially to ensure that increased job opportunities exist to support the existing population, reduce unemployment, and to provide for needs that will occur as part of the growth of “at least 3,400 new homes” proposed within the Council's adopted Hastings Planning Strategy (2014). The Planning Strategy also sets an overall target for employment floorspace development, based on a sound and robust evidence base, that takes account of future job requirements, regeneration activity and need for economic growth, substantiated at its own Examination in Public. Whilst it is acknowledged that waste development opportunities will provide some element of job creation, this will be at a significantly lower density than would be achieved by our existing

DMP allocations and would be especially damaging in respect of a number of the prime employment allocations now allocated in the adopted DMP.

16. All sites identified in the Development Management Plan are required to be retained for employment uses in order to meet the targets set in the adopted Planning Strategy; and to provide the number of jobs needed to meet existing demand, as well as the new demand created by the provision of new homes. Their loss would potentially undermine the employment strategy set and agreed for Hastings, and would impact significantly and negatively, not only on the local economy, but also in sustainability terms due to the subsequent increased need for residents to be forced to travel outside of the Borough for work.

Comments upon the County's Proposed Submission document

17. The Waste and Minerals Sites Plan identifies Burgess Road, Ivyhouse and Whitworth Road as "Areas of Search for New Mixed Use Development within and as a location that is proposed by a Borough or District". The Plan states that these sites form part of a wider mixed use development, and that waste development will be brought forward for development as part of the growth or expansion of a major urban area. It continues by suggesting that the deliverability of these locations will be dependent on when the major expansion is brought forward and what phasing of housing and employment land is undertaken.
18. Whilst the County document is somewhat unclear as to what it means by referring to these areas of "mixed use" development none of the sites proposed as part of the "Area of Search" are allocated for mixed use development within the DMP in terms of their being allocated for a general mix of employment purposes. They are located on established employment estates with clear objectives for bringing forward the DMP allocations and specifically relate, in a Policy sense, to B use classes only (under the Town and Country Planning Use Classes Order). These are unlikely to include uses such as those proposed in the proposed Waste and Minerals Plan, which are likely to be defined as "sui-generis".

Existing employment estates

19. Policy SP5 of the Waste and Minerals Sites Plan is a broad criteria based policy that supports waste management development on identified existing industrial estates in principle, subject to certain criteria. In response to this Policy, it is questioned whether the broad assumption that such facilities can always be acceptable on established estates, particularly in instances where there is existing successful development and/or development opportunities centred on the B use classes. Depending upon the scale, nature and location of waste facilities required, it is accepted that it might be possible to accommodate some facility on some existing industrial sites. However the Council would maintain strong objection to such approach being promoted on the prime employment locations within the DMP and consider this would undermine its employment strategy.

Material change in status of the Hastings Local Plan

20. There has been a significant material change in the status of the Development Management Plan since representations were previously submitted to the County Council on its then emerging Waste and Minerals Plan in August 2014. At that

time, the Development Management Plan had not been formally adopted, nor indeed had its examination in public even begun. The DMP therefore did not carry full weight in the decision making process. Hastings Borough Council now has a full, sound and legally compliant statutory development plan, which has undergone its own thorough examination process and should retain primacy in the decision making process and in providing for the future needs of Hastings.

Tests of Soundness and Legal Compliance

21. With regards the examination of the Waste and Minerals Plan there are 4 tests of soundness as required by National Planning Policy Framework (NPPF) that are used in the Examination of development plans. The Plan in question must be:
1. Positively prepared – a strategy that seeks to meet objectively assessed development and infrastructure requirements
 2. Justified – be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence
 3. Effective – be deliverable and based on effective joint working
 4. Consistent with national planning policy
22. The Plan should also be legally compliant and consistent with all relevant legislation and guidance. All representations must be made in accordance with these tests.

Conclusion and Recommendations

23. Taking account of the issues discussed in the main body of this report, it is recommended that Hastings Borough Council submit formal representations as objections on the Waste and Minerals Sites Plan as recommended within this report. In respect of more detailed matters and those which would be further explored at examination these would be based, but not exclusively, upon the Plan's failure to meet the Tests of Soundness "Justified" and "Effective". These representations would include:
- The lack of acknowledgement of incompatibility with a recently adopted Development Management Plan, and the potential to undermine its delivery, particularly of jobs and associated regeneration and economic benefits as well as overall integrity of the DMP.
 - What evidence is there of reasonable alternatives to the Areas of Search/Opportunity within Hastings having been considered (including across County)?
 - Concern and disappointment at previous objections not being taken on board.
 - The lack of evidence presented to support the Waste and Minerals Sites Plan that demonstrates its ability to be deliverable and effective, particularly in terms of discussions with land owners and the availability of the land for the purposes proposed
 - Lack of evidence of assessment of impacts upon neighbouring properties

- The significant impact on Hastings' employment strategy in terms of the potential loss of some of our largest and most viable employment allocations
- The significant impact on job creation and thus sustainability and demand should allocated employment sites be developed for alternative uses.
- Potential negative impact on existing estates
- The sites that make up the "Areas of Search" within the Hastings Borough boundary do not form part of a wider mixed use development as stated in the Submission Plan but have been specifically allocated for a mix of B class uses.

24. In light of the strength of these concerns the Council should reserve the right to appear at the relevant Hearing Sessions at the formal Examination in Public of the Waste and Minerals Plan to present its case in support of these objections.

Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	Yes
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	No

Additional Information

Waste and Minerals Sites Plan:

<http://consult.eastsussex.gov.uk/portal/wmsp/submission/>

Officer to Contact

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