



Bournemouth, Dorset & Poole Waste Plan

SUEZ's Statement in response to the Inspector's Matters, Issues & Questions

(Statement made further to representation PSD-WP191)

This statement is submitted in response to soundness matters 3 and 5 of the 'Matters, Issues and Questions' set out by the Inspector in advance of the Bournemouth, Dorset and Poole Waste Plan Examination Hearings.

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Why SUEZ Consider the Plan to be Unsound

SUEZ's outstanding concerns over soundness of the plan relate to the inset sites numbered 7 to 10 which are not described as 'local' in Policy 3 and are therefore presumed to be the strategic non-hazardous waste management site allocations for the Plan area. These four strategic sites must be considered on an equal basis and not looked at only in relation to specific proposals put forward by current site operators. Plan policies should retain flexibility to future-proof the Plan by not placing unjustified restrictions on the allocated sites.

Inset sites 7 to 10 all have various constraints identified in the site assessment process, including that all are located such that development proposals would have the *potential* for likely significant effects (LSEs) on European designated sites. This is an inevitable consequence of their location close to the highest concentration of non-hazardous waste arisings, in the southeast of the Plan area, which is also where the highest concentration of European designated sites lies.

Development proposals coming forward on Inset sites 7 to 10 should be considered on their merits at the time of the planning application and until that time restriction of their proposed uses is not justified, nor is there sufficient evidence to determine whether or not there are LSEs such that Appropriate Assessment is required.

SUEZ consider the Plan to be unsound for the following reasons:

- (i) Policy 3 supports allocated sites only for their Proposed Uses as defined in the Insets. The Proposed Uses defined for Inset site 9 (Mannings Heath Industrial Estate, Poole) differ from the other three strategic sites in that it is restricted to 'preparation of Refuse Derived Fuel (RDF) or Solid Recovered Fuel (SRF)'. This restriction is not justified.
- (ii) Policy 3 singles out Inset sites 7 (Eco-Sustainable Solutions, Parley) and 10 (Binnegar Environmental Park) as requiring emission studies and Development Considerations for these two Inset sites suggest that Appropriate Assessment will be required. There is insufficient evidence to determine whether or not Appropriate Assessment will be required or not until the specifics of a development proposal are known, and given that all four of the strategic Inset sites have potential for LSEs relating to gaseous emissions were an energy from waste proposal to come forward for example, all four should therefore refer to this in their Development Considerations.
- (iii) Policy 3 requires the relevant Development Considerations identified in the Insets to be addressed in any development proposal coming forward. The Development Considerations for each site are therefore critical to the success of any proposal coming forward at that site and it is considered that these have not been fully justified in the Plan.

To be 'justified' the Plan must present the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence.

Addressing the above issues of soundness in turn:

- (i) **Policy 3 supports allocated sites only for their Proposed Uses as defined in the Insets. The Proposed Uses defined for Inset site 9 (Mannings Heath Industrial Estate, Poole) differ from the other three**

strategic sites in that it is restricted to 'preparation of Refuse Derived Fuel (RDF) or Solid Recovered Fuel (SRF)'. This restriction is not justified.

The justification for restricting Proposed Uses at Inset site 9 appears to be firstly that these were the uses promoted in the plan process by SUEZ, and secondly that consideration of potential gaseous emissions from energy from waste process in the Habitats Regulations Assessment (HRA) Screening Report concluded that there would be LSEs.

Whilst promoted by SUEZ in the plan process for RDF/SRF, as a key existing waste management facility allocated for intensification and re-development, it should remain open for an application to come forward for other residual waste treatment options, such as thermal treatment, without being automatically out of compliance with Policy 3. The assessment has provided no evidence or justification to support restricting the intensification and re-development of Inset site 9 to preparation of RDF/SRF only. SUEZ's understanding in not pursuing allocation for energy from waste at the Mannings Heath site (Inset site 9) was that the Proposed Uses would be left open for the four allocated sites. The May 2018 Dorset County Council officer response to the comments made on the Pre-Submission Draft do not provide any further evidence or clarification on this point.

Section 7.3 of the HRA Screening Report explains that in previous iterations of the report, Inset sites 1, 7, 9 and 10 were identified as having potential for LSEs on European designated sites. It goes on to say that when considering energy from waste proposals at the time for Inset site 9, LSEs were concluded due to *potential* gaseous emissions, and that the restriction on Proposed Uses removed the need for assessment of emissions. This is equally true of all four of the strategic site allocations in that all four of Inset sites 7 to 10 have *potential* for LSEs due to gaseous emissions which would need to be considered and assessed as appropriate at the time of a development proposal coming forward.

- (ii) **Policy 3 singles out Inset sites 7 and 10 as requiring emission studies and Development Considerations for these two Inset sites suggest that Appropriate Assessment will be required. There is insufficient evidence to determine whether or not Appropriate Assessment will be required or not until the specifics of a development proposal are known, and given that all four of the strategic Inset sites have potential for LSEs relating to gaseous emissions were an energy from waste proposal to come forward for example, all four should therefore refer to this in their Development Considerations.**

The HRA Screening Report concludes that inclusion of appropriate wording in the Plan is necessary to ensure no site is brought forward where the resulting activity would lead to LSEs on a European designated site. Clearly the Plan must include safeguards to ensure no site is granted planning permission where there are LSEs on a European designated site, but given that all four of the inset sites 7 to 10 have the *potential* for LSEs, the safeguarding must apply to all such that full consideration is given at the point where a specific development proposal comes forward. Whether or not Appropriate Assessment is necessary for that specific development proposal will be determined at that time by screening.

Until a specific development proposal comes forward as a planning application, it would be unjustified to determine whether or not an Appropriate Assessment under the Habitats Regulations is required. An Appropriate Assessment is necessary only where LSEs are identified. Given the wide variety of non-hazardous waste management proposals which could come forward for inset sites 7 to 10, and the variety of different impacts they could have, SUEZ consider that it is unjustified to single out only sites 7 and 10 for emission studies in Policy 3 and it is unjustified to suggest in the Development Considerations for only these two of the four sites that Appropriate Assessment is required.

The HRA screening report considers Inset site 8 and concludes that the site allocation would not lead to LSEs, despite stating that there is potential for LSEs. LSEs are discounted for Inset site 8 on the basis of existing rodent and dust control measures, and on the fact that previous assessment of a pyrolysis proposal concluded no LSEs. If a new development proposal were to come forward for Inset site 8 however, it must be considered on its own merits and would need to be screened for HRA; LSEs cannot be ruled out without knowing the specifics of a proposal.

In addition it is unjustified to restrict the Proposed Uses at Inset site 9 to preparation of RDF or SRF, in effect ruling out energy from waste proposals at this site on the basis of LSEs from potential emissions whilst not ruling out such proposals on the other three sites which could equally result in LSEs.

It is also considered that the Development Considerations for Inset sites 8 and 9 should refer to the need to screen proposals for Appropriate Assessment.

(iii) Policy 3 requires the relevant Development Considerations identified in the Insets to be addressed in any development proposal coming forward. The Development Considerations for each site are therefore critical to the success of any proposal coming forward at that site and it is considered that these have not been fully justified in the Plan.

The Development Considerations for Inset sites 7 to 10 have been based upon site assessments which focus on specific proposals for the specific sites from existing site operators, rather than considering the sites on a level footing for a broader range of facilities; an approach which would future-proof the plan by making it more flexible. SUEZ would therefore question whether the approach taken is the most appropriate strategy when considered against all the reasonable alternatives.

In addition there appears to be some inconsistency in the summarising of the site assessments into the Development Considerations. For example Inset site 7 (Eco-Sustainable Solutions, Parley) identifies the need to consider the issues of appropriate stack height, colour and lighting with regard to minimising landscape impacts, whereas Inset site 8 (Land at Canford Magna, Poole) discusses energy from waste opportunities at the site but does not make any mention of stack heights and potential visual intrusion issues, neither does it address Green Belt issues. The concern here is that there is inconsistency in the way the four strategic sites are being assessed and yet the summarised Proposed Uses are the same for Inset sites 7, 8 and 10.

How SUEZ Consider the Plan can be Made Sound

SUEZ suggested four wording changes to Policy 3, Plan text and Appendix 3 in original representation ref.PSD-WP191 and these remain relevant as follows:

- The wording of policy 3 should be changed to read '*Proposals within the Allocated Sites, for the allocated uses as described in this Policy proposed uses set out in Insets 1—13, are acceptable in principle...*'.
- The 'Proposed uses' tabulated within the Insets 7 to 10 in Appendix 3 should all be allocated to match the wording in Policy 3, ie 'opportunities for intensification and re-development, including facilities for the management of non-hazardous wastes'.
- The surrounding text in section 6 should be amended to make clear that the four identified existing permitted waste sites are allocated for intensification and re-development and are not intended to be restricted to the specific uses assessed in the Insets. Specifically the third sentence of paragraph 6.6 should read '*Insets 1-13 include maps showing the site boundaries and other relevant information such as details on appropriate waste uses put forward at the time of allocation and the relevant development considerations.*'
- In section 7 the first sentence of paragraph 7.67 should read '*The Waste Plan allocates ~~three~~ four specific sites for the provision of new facilities for the management of residual non-hazardous waste ~~plus additional capacity at the existing MBT facility at Canford Magna.~~*' The capacity of each site and its potential for increased throughput would be appropriately determined at the application stage and would depend upon the technology and numerous other factors – all that has been assessed in the Insets are specific proposals put forward by site owners at the allocation stage and clearly there needs to be more flexibility allowed by the allocations in the plan.

SUEZ would now also suggest that:

- The Development Considerations for each of the Inset sites 7 to 10 be compared and amended to ensure all four sites have been considered in a proportionate and equitable way. In particular that all four refer to the requirement for any LSEs to be considered under the Habitats Regulations and information provided to enable Appropriate Assessment to be carried out should that be determined as necessary.
- The final paragraph of Policy 3 be removed as this will be dealt with, as and when applicable, through the Development Considerations. This paragraph is believed to have been included to address concerns over gaseous emissions from energy from waste processes, yet has been included in the policy such that it would apply to all applications on Inset sites 7 and 10 (not just thermal treatment) but not other inset sites, despite there being potential for LSEs.