



Independent Examination of Bournemouth, Dorset and Poole Waste Plan

Matters, Issues and Questions

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An Inspector appointed by the Secretary of State

Date:

Introduction

Following my initial examination of the Bournemouth, Dorset and Poole Waste Plan Pre-Submission Draft (December 2017) (BDPWP) and the supporting material I set out below the Matters (topics) and Issues (points for consideration) that will form the basis for discussions during the Hearing sessions. Matters and Issues may change as the examination progresses, although participants will be given an opportunity to comment on any new issues that arise.

In this note I shall pose questions of the Councils that potentially go to matters of soundness or which concern representations made. In framing them I have had regard not only to the definition of soundness at paragraph 182 of the National Planning Policy Framework (the Framework) but also the principles for Local Plans set out in paragraph 157. The Framework also establishes that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. The BDPWP should therefore set out clear policies on what will or will not be permitted.

I set out below my general and detailed comments and questions which should be addressed in hearing statements. Answers should be supported by reasons and section(s) of the supporting documents and evidence base should be referred to as appropriate. A separate document should be submitted in response to each Matter. **The Councils and all other participants should submit hearing statements to the Programme Officer by 17:00 on 8 June 2018.**

A LEGAL COMPLIANCE

Matter 1 – Duty to Co-operate and Legal Issues

Duty to Co-operate

- 1 Please give a brief summary of how the duty to co-operate has been met.
- 2 How has the duty to co-operate been met with regard to the spatial plans of the constituent Councils?
- 3 To what extent has agreement been reached with adjoining waste planning authorities regarding future cross-boundary movements of waste?
- 4 Please give details of any engagement with Weymouth and Portland Borough Council.
- 5 Was there any discussion with the Environment Agency between December 2012 and November 2016?
- 6 Has there been any discussion with Historic England?
- 7 Has there been any discussion with the Civil Aviation Authority?
- 8 Details of engagement with the Local Enterprise Partnership (LEP) are missing from Appendix B table 3. Some details are provided in the Consultation Statement. Do the Councils wish to put forward any other information regarding engagement with the LEP?

Planning and Compulsory Purchase Act 2004, Section 19 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

- 9 How does the BDPWP secure development that contributes to the mitigation of, and adaptation to, climate change?
- 10 Is the BDPWP prepared in accordance with the Local Development Scheme?
- 11 How has the preparation of the BDPWP complied with the Statements of Community Involvement, specifically in terms of those consulted and the methods used for consultation?

Conservation of Habitats and Species Regulations 2017 Part 6

- 12 Have alternatives to Inset sites 1, 7 and 10 been considered with respect to ecology?
- 13 Has any information from operators of potential energy from waste plants on Inset sites 7 and 10 regarding emissions and mitigation requirements been provided following the Habitats Regulations Assessment?

B SOUNDNESS

Matter 2 – Spatial Strategy and allocations

Issue: Whether the vision, objectives, spatial strategy and allocations provide an appropriate basis for managing waste sustainably.

Overview

- 14 Does the BDPWP identify all the main challenges to providing sufficient, sustainable waste management facilities in the plan area, and are these challenges properly reflected in the vision and objectives and incorporated in policy?
- 15 How does the BDPWP overall support the movement of waste management up the waste hierarchy?
- 16 How does the BDPWP reflect the proximity principle?
- 17 How does the spatial strategy relate to planned geographic areas of growth?
- 18 How does the BDPWP support the constituent Councils in achieving net self-sufficiency in the Plan area over the Plan period?

Waste management allocations in general

- 19 In general how have waste management sites been assessed for allocation in the BDPWP? In a few paragraphs please provide a brief overview including the methodology, how constraints and opportunities have been considered and how allocations have been chosen over omission sites.
- 20 Have all reasonable alternative sites, particularly with regard to the allocated sites in the Green Belt and Areas of Outstanding Natural Beauty (AONB) and that may affect internationally designated habitats, been assessed and the reasons for rejection set out?
- 21 How would development of the allocated sites safeguard and enhance local amenity, landscape and natural resources, environmental, cultural and economic assets, tourism and the health and well-being of the people?
- 22 How would development of the allocated sites seek to optimise the location of facilities and travel modes and distances? How would use of sustainable transport modes be promoted?
- 23 Would any of the allocations result in significant adverse impacts that could not be acceptably mitigated? In such cases how have the benefits of allocation been demonstrated to outweigh the detriment?
- 24 The spatial strategy in respect of strategic recycling facilities states that "The strategy is based on the assumption that one of two permitted material recovery facilities (MRF) becomes operational in the early part of the Plan period". Would development of one of the two permitted facilities be sufficient or would further MRF be required?

Matter 3 - Forecasts and need for new facilities

Issue: Whether the plan makes adequate provision for new sustainable waste management facilities to ensure that waste is moved up the waste hierarchy and managed in accordance with the proximity principle.

- 25 Give a brief overview of the methodologies and sensitivities used for forecasting waste arisings over the Plan period. What assumptions have been made in the growth scenario used in the Plan? Does the information in *Background Paper 1: Waste Arisings and Projections* provide a robust evidence base to predict waste arisings for all waste streams?
- 26 Is the planned provision of new capacity based on robust analysis of best available data and information, and an appraisal of options?
- 27 How does the BDPWP relate to the Joint Municipal Waste Management Strategy for Dorset, the Bournemouth Municipal Waste Management Strategy and the Borough of Poole's waste strategy? Is the Plan sufficiently flexible to allow for future updates to those strategies?
- 28 How does the selected growth scenario relate to anticipated economic growth? What percentage annual growth figure has been assumed and what is this based on?
- 29 How does the selected growth scenario relate to planned housing growth? Are the housing numbers based on the most up-to-date figures?
- 30 What data are the projected commercial and industrial waste arisings based on? What are the assumptions behind the projected 1.2% annual average rate of growth for commercial and industrial waste?
- 31 How would the BDPWP facilitate increased rates of recycling, particularly for the Boroughs of Bournemouth and Poole?
- 32 How would the planned provision of new waste management facilities support the planned reduction in landfill?
- 33 Notwithstanding the aim to reduce reliance on landfill, taking into account the tonnage of waste that is currently exported for landfill, will the planned provision for landfill be sufficient when the relevant contracts end?
- 34 In 2015 about 15% of the waste managed in the Plan area was imported from other Authorities' areas. What assumptions have been made about future proportions of imported waste and how is this taken into account in the BDPWP? How does the BDPWP relate to the waste plans of neighbouring authorities?
- 35 What assumptions underlie the estimated shortfalls in green waste composting facilities, energy capacity for food waste and in non-recycling capacity for inert waste by the end of the Plan period?
- 36 What assumptions underlie the estimated volume of bulky waste that will need to be diverted from landfill and the projected increase in wood waste during the Plan period?
- 37 Should any of the allocated sites be identified for potential MRF?
- 38 How would the policies provide for a good spatial distribution of localised facilities for food waste with energy recovery?

Policy 1 – Sustainable waste management

- 39 The first paragraph of Policy 1 reflects national policy in the Framework. Is it necessary to include this?

Policy 2 – Integrated waste management facilities

- 40 Should Policy 2 describe what 'complementary activities' are likely to be?

Policy 3 – Sites allocated for waste management development

- 41 How do the proposed allocations accord with national policy on Green Belt, AONBs and with the requirements of the Habitats Regulations?
- 42 Is it necessary to say in the second paragraph of Policy 3 that proposals are acceptable in principle?
- 43 Should text be added to make clear that Inset 1 (Woolsbridge Industrial Estate) is allocated for a strategic bulky waste facility as well as a local waste management facility?
- 44 How would the allocations in general affect the District and Borough Council's provisions for employment development?
- 45 How would the allocations, particularly those at Insets 1, 3, 4, 9 directly affect employment land availability in the respective Districts and Boroughs?
- 46 How would waste management facilities on the allocated sites potentially affect the quality of life of people living nearby and are the Councils confident that impacts could be mitigated to acceptable levels? Please describe the potential impacts on quality of life and how the policies would provide for adequate mitigation.
- 47 In respect of which allocated sites would there potentially be cumulative impacts on quality of life?

Policy 4 – Applications for waste management facilities not allocated in the Waste Plan

- 48 In what cases has it not been possible or necessary to allocate a specific site within the Waste Plan (Ref. paras. 6.8 and 6.9)?
- 49 In Policy 4 what type of advantages would be necessary to satisfy criterion (a)?
- 50 The policy makes provision for anaerobic digestion facilities in agricultural settings. Should other forms of waste treatment facility also be considered on redundant agricultural and forestry buildings having regard to the last bullet of paragraph 4 of the National Planning Policy for Waste?

Matter 4 - Recycling, Recovery, Disposal and Other waste facilities

Issue: Whether the policies make adequate provision for sustainable waste management facilities while minimising harm to the environment.

General

- 51 What provision is made in the BDPWP for improved household recycling facilities in Wimborne?

Policy 5 – Facilities to enable the recycling of waste

- 52 Should the supporting text include indications as to target recycling rates for the various waste streams?
- 53 Should Policy 5 also make provision for recycling of inert waste?

Policy 6 – Recovery facilities

- 54 Should policy 6 require that the waste processed by new recovery facilities predominantly arises from the Plan area in order to accord with the proximity principle?

Policy 7 – Final disposal of non-hazardous waste

- 55 Should the policy refer to the need for restoration, aftercare and afteruse in accordance with Policy 23?
- 56 Should the last paragraph read “gas should be used as an energy source”?

Policy 8 – Inert waste recovery and disposal

- 57 Should criterion (c) also refer to restoration of waste disposal sites?

Policy 9 – Special types of waste

- 58 Does the last paragraph adequately cover requirements for radioactive waste management facilities?

Policy 10 – Decommissioning and restoration of Winfrith Nuclear Licensed Site

- 59 Would highway improvements be needed to facilitate access via Dorset Innovation Park?
- 60 What are the advantages of using this route as opposed to Gatemore Road?
- 61 Which European habitat would potentially be affected by development and how close is this to the site?
- 62 Please explain the acronyms in the text (HAW, LLW, VLLW).

Policy 11 – Waste water and sewage treatment works

- 63 Should the policy refer to the relevant insets?

Matter 5 – Development Management

Issue: Whether the Development Management policies strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment.

General

- 64 The Habitats Regulations Assessment recommends inclusion of a criterion in policies 3 to 6 concerning possible effects on European and Ramsar sites. Why is the criterion not included in policies 7 to 11?

Policy 12 – Transport and access

- 65 The last sentence of criterion (b) implies that transport improvements need not be delivered in a timely manner if they are not under the control of the developer. Any conditions or planning obligations would ensure that improvements are delivered so as to avoid harmful impact on

highway safety or the transport network. Should the wording be changed?

66 Would the requirement for improvements to be delivered in a timely manner be sufficiently precise?

67 Does the last sentence of the third paragraph duplicate criterion (b)?

Policy 13 – Amenity and quality of life

68 Would the terms 'amenity' and 'sensitive receptors' potentially apply to all users of buildings and land in the area?

Policy 14 – Landscape and design quality

69 How does Policy 14 and the development considerations in the Insets accord with the statutory duty to have regard to the purposes of the AONB?

70 To what extent are Policy 14 and the Insets based on management plans for the AONB?

71 Should Policy 14 also include a requirement to protect and enhance the distinctive landscape and character of the Heritage Coast?

72 The last sentence of the policy allows for consideration of development that meets a local need within the AONB. Waste development is defined as 'major development' in the Town and Country Planning (Development Management Procedure) (England) Order 2015. With this in mind would a local facility as envisaged by policy 14 be likely to be a major development under paragraph 116 of the Framework and therefore require demonstration of exceptional circumstances?

Inset 2 – Land south of Sunrise Business Park, Blandford

73 Have alternative sites outside the AONB been considered? If so, which ones?

74 Policy 14 requires demonstration of exceptional circumstances for major developments in the AONB in accordance with national policy. The text under Inset 2 states that because there are no alternative sites this is considered to present exceptional circumstances. Is Inset 2 consistent with Policy 14?

75 Is the policy requirement for Inset 2 clear?

Inset 6 – Old Radio Station, Dorchester

76 Have alternative sites outside the AONB been considered? If so, which ones?

77 Is this Inset consistent with Policy 14 and national policy regarding the need to demonstrate exceptional circumstances?

Inset 13 – Maiden Newton Sewage Treatment Works

78 Have alternative sites outside the AONB been considered? If so, which ones?

79 Is this Inset consistent with Policy 14 and national policy regarding the need to demonstrate exceptional circumstances?

Policy 15 – Sustainable construction and operation of facilities

- 80 Should the first sentence require that the site design, layout and operation make provision for climate change mitigation and resilience?

Policy 16 – Natural resources

- 81 Should the word 'proposals' in criterion (d) be in the singular?

Policy 17 – Flood risk

- 82 Should Policy 17 include a requirement for the sequential test to be passed before considering criteria (a) to (e) in accordance with national policy in paragraph 100 of the Framework?

- 83 Should the policy include a requirement to take into account climate change?

Policy 18 – Biodiversity and geological interest

- 84 Do the Councils envisage that Regulation 64 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) would be likely to be engaged in respect of any of the allocated sites?

- 85 Regulation 63 of the Habitats Regulations requires that there is no adverse effect on the integrity of a European site. This requirement also applies to Ramsar sites. Should criterion (ii) of the policy require that mitigation removes any adverse impact?

- 86 Should criterion (iii) only be applied in instances where the requirements of Regulation 64 of the Habitats Regulations are met?

- 87 Should the policy distinguish requirements applying to nationally designated sites from those applying to international sites?

Inset 1 – Woolsbridge Industrial Estate, Three Legged Cross

- 88 Should the Development Considerations state that the applicant must provide sufficient information to enable the Waste Planning Authority to carry out an Appropriate Assessment and set out the information that would be required?

- 89 Were alternative sites considered in terms of potential biodiversity effects?

- 90 Is the requirement for a buffer specifically in respect of the SNCI or should a buffer also be provided to protect the Dorset Heaths SAC, SPA and Ramsar?

- 91 Should the possible mitigation measures described in the Habitats Regulations Assessment be set out in the Development Considerations?

Inset 7 – Eco Sustainable Solutions, Parley

- 92 Should the Development Considerations state that the applicant must provide sufficient information to enable the Waste Planning Authority to carry out an Appropriate Assessment and set out the information that would be required?

- 93 Is there sufficient certainty that effects on the European and Ramsar sites could be adequately mitigated?

- 94 Were alternative sites considered in terms of potential biodiversity effects?

- 95 What is the requirement of developers in respect of long-term restoration of surrounding heathland?
- 96 Is any of the heathland within the allocated area?
- 97 If developers would be required to carry out or contribute to restoration of heathland, how would any contribution be justified in terms of the national policy tests for conditions and planning obligations?
- 98 Should the Development Considerations include a requirement to create a buffer zone in the south-east section of the site and carefully designed surface water drainage system as recommended in the Habitats Regulations Assessment?

Inset 10 Binnegar Environmental Park, East Stoke

- 99 Should the Development Considerations state that the applicant must provide sufficient information to enable the Waste Planning Authority to carry out an Appropriate Assessment and set out the information that would be required?
- 100 Were alternative sites considered in terms of potential biodiversity effects?
- 101 Is there sufficient certainty that effects on the European and Ramsar sites could be adequately mitigated?

Policy 19 – Historic environment

- 102 The Framework (paragraph 134) allows for less than substantial harm to a designated heritage asset to be weighed against public benefits. How does the last sentence of the first paragraph of Policy 19 accord with this requirement?
- 103 Should the wording of Policy 19 be changed to reflect national policy?
- 104 The first paragraph of the policy does not distinguish between designated and non-designated heritage assets. Would the requirements be the same?
- 105 If so, would the requirement for ‘exceptional circumstances’ to be demonstrated accord with paragraph 135 of the Framework?

Policy 20 – Airfield Safeguarding Areas and Inset 7 - Eco Sustainable Solutions, Parley

- 106 Has any detailed investigation been undertaken with respect to the likely stack height required on the Inset 7 site and has any view been expressed by the Civil Aviation Authority?

Policy 21 – South East Dorset Green Belt

- 107 National policy in paragraph 88 of the Framework requires that potential harm to the Green Belt by reason of inappropriate development and any other harm are weighed against other considerations to determine whether or not ‘very special circumstances’ exist. With this in mind would Policy 21 be consistent with national policy?
- 108 In what circumstances is it envisaged that a waste management development may not be inappropriate development in the Green Belt?

Inset 1 – Woolsbridge Industrial Estate, Three Legged Cross

- 109 Please clarify whether any part of the Inset 1 site is within the Green Belt.
- 110 If any part is within the Green Belt have any alternative sites been considered and if so, which ones?

Inset 7 Eco Sustainable Solutions, Parley

- 111 Have alternative sites which are outside the Green Belt been considered and if so, which ones?
- 112 Would the increase in built form and the stack which would be necessary to minimise the impact of emissions on the European site be likely to cause further harm to the openness of the Green Belt?

Inset 8 – Canford Magna

- 113 The Inset 8 allocation is outside the Major Developed Site in the Green Belt which is identified on page 88 and in Policy SSA26 of the Poole Site Specific Allocations and Development Management Policies (2012). That policy was based on the former PPG2. The Framework does not allow for development on major developed sites to form exceptions to inappropriate development. With these factors in mind should the Development Considerations make clear that applications will be considered against national policy and Policy 21?
- 114 Have alternative sites which are outside the Green Belt been considered and if so, which ones?

Policy 22 - Waste from new developments

- 115 Should the policy refer to the tests in Regulation 122 of the CIL Regulations and the pooling restrictions in Regulation 123?

Policy 23 – Restoration, aftercare and afteruse

- 116 Is further explanation needed in respect of the types of waste management development that would be considered as temporary?

Other matters

Policy 24 – safeguarding waste facilities

- 117 How would the policy ensure compatibility of non-waste development and any new waste facility which may be outside the Waste Consultation Areas?

Implementation and Monitoring

- 118 Are the key indicators to be monitored appropriate?
- 119 Are the targets in Table 12 deliverable?
- 120 Are the trigger points for correction for correction and/or mitigation appropriate?

Nick Palmer

INSPECTOR