

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	2nd March 2011	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2250
TITLE:	Joint Waste Core Strategy Development Plan Document	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 Inspector's Report on the Joint Waste Core Strategy Appendix 2a Schedule of Changes (Appendix A of the Inspector's Report) Appendix 2b Schedule of Changes (Appendix B of the Inspector's Report) Appendix 3 Joint Waste Core Strategy as intended to be adopted (Appx 3 is a large document so copies have been placed at Public Inspection Points)</p>		

1. THE ISSUE

1.1 The Joint Waste Core Strategy (JWCS), prepared by the four West of England Unitary Authorities, has been found 'sound' this month by the Examination Inspector. It provides a spatial planning policy framework for waste management. The Independent Examination was held in November 2010 and the Inspector has concluded that the JWCS is 'sound' in his binding report and that it can therefore be adopted by the Council.

2. RECOMMENDATION

2.1 The Cabinet is asked:

- To welcome the Inspector's binding findings and;
- To note the need to move quickly to the adoption of the JWCS.
- To commend the report to Council and ask the Chief Executive to consider exercising his urgency powers to ensure the timely adoption of the plan.

3. FINANCIAL IMPLICATIONS

- 3.1 The costs of developing the Joint Waste Core Strategy have been shared and split equally across the four authorities. B&NES council's share of these costs are provided for in the budget.
- 3.2 The JWCS provides a spatial planning framework moving waste management practices away from landfill. This helps to reduce a financial risk under the Landfill Allowance Trading Scheme (LATS).

4. CORPORATE PRIORITIES

- *Sustainable growth*
- *Addressing the causes and effects of Climate Change*

5. THE REPORT

5.1 The JWCS is a statutory plan and will sit alongside the emerging B&NES Core Strategy and be a formal part of the Local Development Framework. As a Joint Plan, it recognises the need for a strategic approach in dealing with waste across the sub-region. The JWCS will provide a positive, spatial planning policy framework for:

- locating the development of strategic residual waste treatment facilities
- directing the development of facilities for recycling, composting, transfer of wastes and waste disposal
- ensuring consistency of development management policy for waste within the sub-region

5.2 The policy framework within the JWCS was approved by Cabinet and Council and submitted in July 2010 to the Secretary of State. An examination was held in November and the Inspector submitted his binding report to the UAs in early February.

5.3 The Inspector has found the JWCS "sound" subject to a number of wording changes to the version of the JWCS which was agreed by B&NES Council on 19th November 2009. (A copy of the Inspector's Report is at Appendix 1 and the schedule of changes at Appendix 2) A limited number of changes are needed to meet legal and statutory requirements. These changes were either put forward by the Partnership, on behalf of the four unitary authorities, when the JWCS was formally submitted, or have emerged through the examination process. None of these changes materially alter the substance of the plan and its policies. These can be summarised as follows:

- Making the vision more locally distinctive and stating the intended sphere of influence of the plan;
- Clarifying an indicative quantitative requirement for waste management facilities of different types and at different dates;
- In respect of the former Fuller's Earth site at Bath, having full regard to the Cotswolds Area of Outstanding Natural Beauty and the City of Bath World Heritage Site and its setting;
- Clarifying provision in respect of hazardous waste;

- Clarifying the policy for considering proposals for landfill and landraising;
- Securing accordance with Government guidance on planning obligations;
- Providing for effective monitoring of the delivery of waste management facilities, the timing of provision and waste prevention.

5.4 In respect of sites for residual waste facilities, the Council's approach to Broadmead Lane site in Keynsham and Former Fuller's Earth site at Bath have been confirmed by the Inspector. With regard to the Former Fuller's Earth site, the inspector has amended the wording in the key development criteria to give full regard to addressing the Cotswolds Area of Outstanding Natural Beauty and the City of Bath World heritage Site and its setting.

5.5 The JWCS now needs to be formally adopted by each of the four Unitary Authorities in the sub-region; since the Inspector's report is binding, it needs to be adopted exactly as amended by the Inspector. The JWCS can come into effect once all UAs have formally approved adoption of the Plan. (A copy of the JWCS as intended to be adopted is at Appendix 3)

6. RISK MANAGEMENT

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7. EQUALITIES

7.1 The document submitted for examination was accompanied by a screening form, as reported to Cabinet and Council in November 2009. The proposed changes do not affect this screening.

8. RATIONALE

8.1 The four West of England Authorities are committed to working together to plan for the changing waste needs of the sub-region. This work must be underpinned by a robust policy framework. Not to adopt a Waste Core Strategy jointly with the other West of England Authorities would create a risk that waste planning policy for the sub-region was inconsistent, potentially leading to an unbalanced and unsustainable distribution of waste facilities.

8.2 Steve Quartermain (Chief Planner, Communities & Local Government) wrote to all Local Authority Chief Executives 10 January 2011 and outlined that the EU Waste Framework Directive means that all waste planning authorities need to have waste management plans in place that allocate sufficient land for waste management facilities. The Government wants to ensure waste plans are adopted to meet EU requirements and to avoid the UK incurring infraction proceedings and fines as a result of unsatisfactory progress. In the event that local authorities do not comply, the Government has included a power in Part 2 of the Localism Bill to pass on some or all of any fines from the European Court of Justice to any authority which causes the UK to be in breach of its obligations under the Directive. It is therefore important that the West of England Authorities adopt the Joint Waste Core Strategy.

9. OTHER OPTIONS CONSIDERED

9.1 To prepare waste planning policies for Bath and North East Somerset, independently of other West of England Authorities. Not to prepare a waste Core Strategy jointly with West of England Authorities would create a risk that waste planning policy for the sub-region was inconsistent, potentially leading to an unbalanced and unsustainable distribution of waste facilities.

10. CONSULTATION

10.1 No consultation has been undertaken in respect of the proposed changes at this stage as the Inspector's report is binding. However, consultation and engagement has been an integral part of all of the earlier stages of preparation of the document, leading up to Submission.

10.2 Details of JWCS consultations and other supporting documents including the independent technical reports commissioned by the authorities to form the evidence base and inform the JWCS can be found at the West of England Partnership website at: <http://www.westofengland.org/waste/planning>.

10.3 Internal

Cabinet members; Section 151 Finance Officer; Chief Executive; Monitoring Officer

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 Customer Focus; Sustainability; Human Rights; Corporate; Health & Safety; Other Legal Considerations

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Sponsoring Cabinet Member	Councillor Charles Gerrish
Background papers	Joint Waste Core Strategy Submission Document, July 2010 http://www.westofengland.org/waste/planning/joint-waste-core-strategy/evidence-base-
Please contact the report author if you need to access this report in an alternative format	