

**LEICESTERSHIRE AND LEICESTER
WASTE DEVELOPMENT FRAMEWORK**

CORE STRATEGY AND DEVELOPMENT CONTROL POLICIES

**LDF EXAMINATION SUBMISSION BY
WILLIAM DAVIS LTD
AND
HALLAM LAND MANAGEMENT LTD
IN RESPECT OF THE LOCATION OF NON STRATEGIC WASTE SITES IN
SUSTAINABLE URBAN EXTENSIONS**

DECEMBER 2008

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1. INTRODUCTION

- 1.1 This Statement is submitted to support our appearance at the Public Examination into the emerging Leicestershire and Leicester Waste Development Framework. The appearance is on behalf of William Davis Ltd and Hallam Land Management Ltd who have land interests within Leicestershire. (Respondent No. 308).
- 1.2 The appearance is on Wednesday 25th February 2009 when the Distribution and Location of New Facilities will be discussed.
- 1.3 The specific Issues and Matters for our involvement are Item 7 and whether Policy CS3 should support the location of Non-Strategic Waste Sites in Sustainable Urban Extensions, and Item 10 and whether Policy CS4 should refer to the land forming part of new major employment development proposals.
- 1.4 The Companies, through William Davis Ltd submitted representations at the Submission Stage, in respect of Policies CS3 and CS4, paragraphs 4.18 and 4.21. In the companies opinion, the draft DPD was unsound in that it failed Soundness Tests Nos. 4 and 7.
- 1.5 In respect of Soundness Test No.4, the companies consider the policies to be inconsistent with National and Regional Planning Policy and, in particular, PPS10 (para 21) and Annex E and the Proposed Changes to the East Midlands Regional Plan (para 3.3.61).
- 1.6 In respect of Soundness Test No. 7, the sites being considered for the location of Non-Strategic Waste Sites are not the most appropriate and are not founded on a robust and credible evidence base. This has potential to have a severe effect on residential amenity and, in turn, an adverse effect on the viability of the development of the Sustainable Urban Extensions.

2. NATIONAL, REGIONAL AND LOCAL POLICY CONTEXT

PPS10 Planning for Sustainable Waste Management (July 2005)

- 2.1 The overall objective of Government Policy on waste is to protect human health and the environment (para 1). The Key Planning Objectives include the need to help secure the recovery or disposal of waste without endangering human health and without harming the environment (para 3).
- 2.2 The Strategy for Waste Management in the Regional Strategy should comprise a distribution of waste tonnage requiring management, a pattern of waste management facilities of national, regional, or sub-regional significance and supporting policies (para 6).
- 2.3 In respect of local development documents, Waste Planning Authorities should identify sites and areas suitable for new or enhanced waste management facilities to support the pattern of waste management facilities set out in RSS, in accordance with the broad locations identified in RSS.
- 2.4 This context begs the question as to whether the LDF should be identifying locations for sites of less than sub-regional significance. No reference is made in RSS to “non strategic waste sites”, the subject of Policy CS3 of the Waste Development Framework. Alternatively, are these non-strategic sites actually of sub-regional significance? If they are, then their impact would be a good deal more significant than local.
- 2.5 Para 20 sets out the considerations for identifying sites and areas for waste management. In assessing their suitability for development, existing and proposed neighbouring land uses and the effect on the well-being of the local community, including adverse impacts on environmental quality, need to be considered.
- 2.6 Para 29 again stresses the need to consider the likely impact on the local environment and on amenity and refers to Annex E.

- 2.7 Annex E sets out the locational criteria including c) visual intrusion; g) air emissions, including dust; h) odours; i) vermin and birds; j) noise and vibration; k) litter; and l) potential land use conflict.
- 2.8 In respect of potential land use conflict, the guidance refers to the need to take into account the likely proposed development in the vicinity of the location under consideration.

RSS8: Regional Spatial Strategy for the East Midlands (March 2005)

- 2.9 Para 3.3.60 states, “.....**Increasing the capacity of existing facilities including potential site expansion or site re-development for the recycling, recovery and treatment of waste (including the possibility of change of use of existing waste transfer stations) should be supported where this will not significantly adversely affect the environment and local communities**”.
- 2.10 Para 3.3.61 states, “..... **When identifying sites for waste management facilities, Waste Planning Authorities should consider the potential synergies with existing land uses such as existing and former industrial land, redundant mineral workings and sewerage treatment works, as well as other criteria identified in PPS10. Waste Planning Authorities should also consider the benefits and opportunities for locating re-processing facilities in close proximity to waste treatment facilities and look to allocated suitable land for re-processing in conjunction with sites for waste treatment in Waste Local Development Frameworks**”.
- 2.11 Policy 39 sets out the Regional Priorities for Waste Management. Waste Local Plans should include policies and proposals to provide sustainable waste management by the development of additional waste management capacity, taking into consideration the Best Practicable Environmental Option (BPEO); socio-economic considerations; the principle of regional self-sufficiency; the proximity principle and the waste hierarchy.

East Midlands Regional Plan – Secretary of State’s Proposed Changes July 2008

- 2.12 The emerging RSS has reached an advanced stage and is a material consideration which should be given considerable weight. Policy 37 sets out the Regional Priorities for Waste Management.
- 2.13 In the Three Cities Sub-Area, a centralised pattern of large facilities should be developed.

Leicestershire, Leicester and Rutland Waste Local Plan 1995 – 2006

- 2.14 The policies of the Waste Local Plan continue to apply until superseded by an adopted Waste Development Framework.
- 2.15 The Local Plan was prepared under the four principles of the Best Practicable Environmental Option, regional self-sufficiency, the proximity principle and a waste hierarchy (para 1.18).
- 2.16 Policy WLP7 sets out the criteria for the Assessment of Proposals. These include the effect on and relationship to **“sensitive nearby land uses (in particular residential properties) by reason of noise, dust, odour, litter, fumes or any other potential nuisance, including reference to national and local air quality standards”**.
- 2.17 Para 3.18 states that **“the specific impacts on local residential amenity associated with waste management development include traffic, visual impact, noise, dust, odour, gulls, emissions and air quality...”**.
- 2.18 The existing, operative Waste Local Plan clearly recognises the potential nuisance which waste management sites can cause to local residential amenity. As to be expected from the above, there is no policy in the existing Local Plan which contemplates or proposes the location of waste management sites within residential areas.

3. PROPOSED POLICIES FOR THE LOCATION OF WASTE MANAGEMENT SITES IN THE WASTE DEVELOPMENT FRAMEWORK

3.1 This statement is in respect of proposed Policies CS3 and CS4. Related Policies CS5 and CS10 also need to be considered.

3.2 The Waste Development Objectives, at para 3.4, include, at Objective 8, **“To protect local communities and the natural and built environment from unacceptable effects of waste management development”**.

3.3 Having considered waste management sites and set out their characteristics (para 4.17), the LDF then goes on to deal with Non-Strategic Sites. Para 4.18 states, **“Reflecting the previously identified preference for a mix of large and small sites to balance the benefits of proximity to waste arisings whilst being able to exploit economies of scale, smaller non-strategic waste facility sites will be sought within the Broad Location for strategic waste sites and in or close to the other main urban areas of Hinckley and Melton Mowbray. In particular, opportunities to locate waste facility sites within the sustainable urban extensions proposed in the DRAA will be sought. In addition to the location of waste facilities or in close to these main urban areas, the extension of existing waste facilities will be favoured particularly in the main urban areas (within the broad locations indicated in the key diagram, Hinckley, Melton and sustainable urban extensions) and where they provide the opportunity to co-locate waste facilities and give more sustainable waste management opportunities and provided that they do not result in unacceptable cumulative impacts”**.

3.4 Policy CS3 then sets out the criteria for located non-strategic waste sites as follows;

“Policy CS3 The strategy for non-strategic waste sites is to locate them in the following areas taking into account the principles set out in Policy CS4; Waste Location Principles:

- (i) **the broad locations indicated in the Key Diagram;**
- (ii) **in or close to the main urban areas of Hinckley or Melton Mowbray;**
- (iii) **within sustainable urban extensions (SUE's)'**
- (iv) **within or adjacent to an existing waste facility.**

Where it can be demonstrated that a more dispersed location outside the above areas is necessary, locations in smaller settlements or rural areas will be considered subject to the principles set out in Policy CS4.

3.5 Para 4.21 identifies the competition which exists between different land uses but that, **“notwithstanding this, the opportunity will be taken to encourage the location of new waste facilities in major new areas of development. (Sustainable Urban Extensions and large areas allocated for new employment)...”**.

3.6 A sequential approach is to be used for locating waste sites (para 4.20) and Policy CS4 confirms that the first priority will be existing sites, with the second priority major new development proposals (including SUE's).

3.7 The location of waste sites in SUE's is given priority over the use of existing industrial land, previously developed land, contaminated or derelict land, existing mineral workings and unused agriculture for forestry buildings, as is clear from the proposed wording of Policy CS4;

“Policy CS4 The strategy for locating waste sites is to locate waste sites in accordance with the objectives of Policies CS2 and CS3 and the following sequential approach;

- **Priority will be given to land with an existing waste management use, where transport, operational and environmental benefits can be**

demonstrated as a consequence of the co-location of waste management facilities.

- **Thereafter, priority will be given to;**
 - (a) land forming part of new major development proposals.**
 - (b) existing industrial/employment land;**
 - (c) other previously developed land;**
 - (d) contaminated or derelict land;**
 - (e) existing mineral workings;**
 - (f) unused and under-used agricultural and forestry buildings and their curtilages;**

Providing that there is no unacceptable harm to the environment or communities”.

3.9 This policy and sequential approach is clearly potentially in conflict with Waste Development Objective 8, previously referred to earlier and with the final words of the policy, “providing there is no unacceptable harm to communities”.

3.10 Policy CS5 also requires no unacceptable harm to the environment or communities and Policy CS10 requires no unacceptable adverse impacts on residential amenity.

4. THE CASE AGAINST THE LOCATION OF NON-STRATEGIC WASTE SITES WITHIN SUSTAINABLE URBAN EXTENSIONS.

- 4.1 The characteristics of strategic sites are clearly set out in para 4.17 of the Waste LDF. No definition is provided of Non-Strategic Waste Sites. It should be.
- 4.2 The concern which waste plans have for the juxtaposition of waste management sites and residential areas is long established and clearly stated. Policy WLP8 of the existing Leicestershire, Leicester and Rutland Waste Local Plan specifically states that planning permission will not be granted where there was the potential for a conflict between these two land uses.
- 4.3 PPS10 (paras 3, 20, 29 and Annex E) refer to the need to not endanger human health or the environment, to consider neighbouring land uses and the effect on the well being of the local community.
- 4.4 My experience of waste management sites currently operating in the Enderby/Narborough/Whetstone area would bear out these concerns. At Enderby a hardcore reclamation site causes significant nuisance to nearby residents due to noise and dust. A paper recycling plant has potential litter problems which have to be addressed by 6 metre high catch fencing. The transfer station at Whetstone causes noise and smells and is a significant traffic generator. These activities are not good residential neighbours.
- 4.5 In the light of this context, it is perverse to not only consider but also actively promote as a high priority, sites for waste management in Sustainable Urban Extensions, when these SUE's are intended as primarily residential areas. This would have the potential to lead to, if not create, the likelihood of serious environmental health problems and complaints in the future. I refer, by way of example, to two District Councils and how they are seeking to address this potential conflict.
- 4.6 Charnwood Local Development Framework – Core Strategy has recently been subject to further consultation (October 2008).

4.7 Para 5.58 set out what the LDF proposed should be included within the Sustainable Urban Extension to Loughborough as follows;

“

- **About 3,500 New Homes**
- **20 hectares of employment**
- **Affordable housing**
- **2 New Primary Schools**
- **Public Access to Garendon Historic Park and Gardens**
- **Zero Carbon Development**
- **A new centre with shops and facilities**
- **Possible flood reduction scheme**
- **Sites for Gypsies, Travellers and Showpeople**
- **A comprehensive package of transport measures** ”

4.8 Para 5.62 confirmed, in detail, the intended provision within the 20 hectares of employment as follows;

“Employment: It is proposed that 20 hectares of strategic employment land to complement the scale of housing growth and to benefit existing residents in Loughborough and Shepshed. In view of the specific role of the science park, this site will provide an alternative location for high quality offices, industrial and small-scale warehousing that will add value to Loughborough’s employment offer. The provision of serviced employment sites should be made in advance of housing development to provide the opportunity for employment before housing development commences.”

4.9 It is clear that the Borough Council intends that the employment element of the SUE should be of high quality and appropriate to a largely residential area.

4.10 The County Council’s response to these proposals was agreed at the Cabinet Meeting of 14th November 2008. In response to the question of whether there

should be further employment land in the Borough and that it should be located at SUE's and the Science Park, the response was;

“New employment areas for the SUE's should not preclude the location of waste management sites within them. SUE's should contain provision for dealing with the waste arising within them (industrial/commercial and residential waste) and this is worth reflecting in the Core Strategy....”

- 4.11 This response would appear to suggest support for new employment areas distinct from other uses within the SUE's and for waste management sites within them.
- 4.12 Blaby District Council's solution to the potential conflict of housing and employment areas is to identify Strategic Employment Sites (SES) separate from Sustainable Urban Extensions (SUE). Whilst separate they are geographically close and, therefore, offer a sustainable development solution.
- 4.13 Blaby District Council Local Development Framework Core Strategy Alternative Options, at para 10.1, states that, given the limited urban capacity and other opportunities within the built up area, it is likely that the majority of housing will be accommodated within the SUE's. Para 10.2 confirms that, in addition to housing, it is anticipated that the SUE(s) will accommodate the necessary infrastructure to support the increased growth of population. Green infrastructure, education, health and employment facilities will be required in addition to housing. There is no reference to the need to also accommodate waste management facilities within the boundaries of these designated areas.
- 4.14 In general, we believe that SUE's in Leicestershire, although containing elements of mixed use, will be predominantly residential based developments, with up to 5,000 dwellings. Any employment areas contained within these extensions may be relatively small in scale and with an emphasis of B1 uses suitable for a residential area. Any provision for waste sites could have a significant effect on residential amenity and would adversely affect viability of development because of the negative impact upon prospective purchasers when highlighted on legal searches.

4.15 We therefore conclude that proposed Policies CS3 and CS4 are inconsistent with National Planning Policy and that they, therefore, fail Soundness Test 4B.

4.16 We believe that this policy has not been properly tested. No evidence has been presented on the suitability or acceptability of waste management sites next or close to homes. This policy is, therefore, not based on a robust and credible evidence base and is unsound when tested against Test of Soundness No. 7 in that it does not represent the most appropriate location for this form of development. Additionally, and as far as we are aware, at no point have the impacts of a waste facility on other land uses within a SUE been considered within the Sustainability Appraisal or any other supporting evidence of the Waste Development Framework. Therefore, we believe Policies CS3 and CS4, along with the supporting text, are not based on a robust and credible evidence base. We also believe the proposal to site waste facilities within SUE's was not tested in the consultation process of this Development Framework as such a proposal did not feature in earlier elements of the consultation process including the Preferred Options consultation.

5. PROPOSED REWORDING OF POLICIES CS3 AND CS4

5.1 We believe that the appropriate approach to this potential conflict is to reword Policies CS3 and CS4 as follows;

“Policy CS3. The strategy for non-strategic waste sites is to locate them in the following areas taking into account the principles set out in Policy CS4; Waste Location Principles:

- (i) within or adjacent to an existing waste facility.**
- (ii) in the broad locations indicated in the Key Diagram;**
- (iii) in or close to the main urban areas of Hinckley or Melton Mowbray;**
- (iv) on land forming part of new major employment proposals.**

Where it can be demonstrated that a more dispersed location outside the above areas is necessary, locations in smaller settlements or rural areas will be considered subject to the principles set out in Policy CS4.

“Policy CS4. The strategy for locating waste sites is to locate waste sites in accordance with the objectives of Policies CS2 and CS3 and the following sequential approach;

- (a) on land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities.**
- (b) within existing industrial/employment land;**
- (c) on other previously developed land;**
- (d) on contaminated or derelict land;**

- (e) **on land forming part of new major employment proposals;**
- (f) **on existing mineral workings;**
- (g) **on unused and under-used agricultural and forestry buildings and their curtilages;**

providing that there is no unacceptable harm to the environment or communities”.

5.2 This rewording would meet the principles of waste management set out in PPS10, Regional Guidance and the current Waste Local Plan yet, at the same time, not create the potential conflict which Policies CS3 and CS4 seem bound to lead to.