



Date of Meeting: Cabinet - 25 June 2019; Council - 18 July 2019

Lead Member: Cllr David Walsh – Lead Member for Planning

Lead Officer: John Sellgren – Executive Director for Place

Executive Summary:

In March 2018 the draft Bournemouth, Dorset and Poole Waste Plan was submitted to the Secretary of State and an independent inspector was appointed to hold an examination into the plan's soundness. Public hearings were held in June 2018. The inspector was invited to include in his report any recommendations needed to make the plan sound and therefore capable of adoption.

The Inspector's report has now been issued and it concludes that, subject to the inclusion of the modifications, the plan is legally compliant and sound. The modifications do not significantly alter the thrust of the overall strategy that was submitted for examination.

Under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), it is the responsibility of the Local Planning Authority to adopt the Waste Plan. It can only be adopted if it includes the modifications that the inspector considers are needed to make it sound.

As the Plan covers the two administrative areas of Bournemouth, Christchurch and Poole Council (BCP) and Dorset Council, it will need to be adopted by both unitary authorities. Once this occurs, there will follow a 6-week legal challenge period from the date of adoption during which interested parties have the right to challenge the plan on legal/procedural matters under the provisions of the Planning and Compulsory Purchase Act 2004.

The Waste Plan will be the first local plan adopted by Dorset Council and it will provide an up-to-date statutory planning framework for waste matters across the entire local authority area, as well as that of Bournemouth, Christchurch and Poole. This will enable both Councils to plan positively for waste needs up to 2033 in compliance with national policy. It will also supersede the remaining 'saved' policies from the 2006 Bournemouth, Dorset and Poole Waste Plan.

Equalities Impact Assessment:

The Waste Plan has been the subject of an Equalities Impact Assessment (including EqIA screening) and issues identified in the assessment have been taken into consideration in preparing the plan.

Budget:

There are no immediate budget implications associated with adoption of the Waste Plan, although there is a right of legal challenge for a six-week period immediately following the

adoption of a plan. In the event of such a challenge there may be legal costs associated with defending the challenge.

In the event that the Council opts not to adopt the plan, it would expose the authority to the risk of on-going significant costs in dealing with planning appeals and having to commission extra evidence to justify its decisions on waste applications. This is because there would not be an up-to-date development plan and so the presumption in favour of sustainable development would prevail, with decisions having to be judged directly against the National Planning Policy Framework. It would also pose a risk to the waste management responsibilities of Dorset Council in terms of planning to meet future needs.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk LOW

Other Implications:

The plan was the subject of a Sustainability Appraisal (incorporating Strategic Environmental Assessment) and a Habitats Regulations Assessment. It has also involved all relevant service providers within Dorset Council. Any issues regarding sustainability or corporate interests have been taken into account in preparing the plan.

Recommendation:

That Cabinet commends the Bournemouth, Christchurch, Poole and Dorset Waste Plan to Council and requests that Council:

1. resolves to adopt the Plan subject to its inclusion of the main modifications that are appended to the Inspector's Report;
2. confirms that the formal adoption date will begin two weeks from the date at which both BCP Council and Dorset Council have resolved to adopt the plan;
3. delegates to the Lead Member for Planning, after consultation with the Executive Director for Place:
 - a. any additional (non-material) modifications to the Plan which were the subject of consultation, together with any other additional modifications which benefit the clarity of the Plan;
 - b. authority to expedite any technical/procedural matters associated with adoption of the plan, including those connected with Dorset Council's role as the Competent Authority on matters relating the Habitats Regulations Assessment¹ of the Plan.

Reason for Recommendation:

- To ensure Dorset Council has an up-to-date statutory policy framework for considering planning applications for waste development.
- To comply with the requirements of the statutory/consequential orders concerning Shaping Dorset Council which require a council-wide local plan by 2024.

¹ Under the provisions of the Conservation (Natural Environment, etc.) Regulations (Northern Ireland) 1995 (as amended) (commonly referred to as the Habitats Regulations)

Appendices:
None

Background Papers:

1. Waste Plan [Inspector's Report](#) and Schedule of [Main Modifications](#)
2. [Submitted Waste Plan](#), together with insets [1-7](#), [8-13](#), and [appendices](#).

Officer Contact

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1. Overview

- 1.1 Responsibility for waste planning matters rests with county and unitary authorities. Since 1997, the preparation of waste planning policies in Dorset has been undertaken jointly by the relevant waste planning authorities across Dorset. Prior to 1 April 2019 this was Dorset County Council, Bournemouth Borough Council and Borough of Poole. Since 1 April this responsibility now falls on Dorset Council and BCP Council.
- 1.2 The current statutory local plan context for waste matters is provided by the 'saved' policies of the Bournemouth, Dorset and Poole Waste Local Plan 2006. In 2014 work began on a replacement Waste Plan to provide an up-to-date spatial strategy and policy framework to meet the waste needs of the plan area. The draft plan was submitted to the Secretary of State in March 2018, which marked the commencement of an examination into the plan's soundness, led by an independently appointed inspector. Following the hearing sessions in June 2018, modifications that were deemed necessary to make the plan sound were consulted on before the inspector issued his final report at the end of January 2019. The inspector concluded that the plan was legally compliant and sound, subject to the modifications set out in his report.
- 1.3 The adoption of the Waste Plan will represent the culmination of a substantial amount of work which has involved extensive liaison with local residents, the waste industry, waste management authorities, statutory bodies and other interested parties and several consultation stages. It provides the principal mechanism for the consideration of planning applications for waste development and it seeks to ensure waste needs can be met in a sustainable manner by moving waste up the Waste Hierarchy (i.e. prevention / reuse / recycling / recovery / disposal), thereby seeking to treat any residual waste that cannot be prevented, reused or recycled as a resource before pursuing the last resort of disposal. As a consequence of this approach the Waste Plan does not propose the allocation of any landfill sites and instead promotes a range of management facilities and infrastructure ranging from strategic sites to household recycling centres. It is essential in providing the policy basis for the delivery of municipal waste management (for which Dorset Waste Partnership is responsible) as well as commercial, industrial and certain specialised waste streams.
- 1.4 It is important to note that the Waste Plan is strategic in its remit in that it covers the geographical area administered by Dorset Council and BCP and will provide a strategy for the period up to 2033. Its adoption will be a positive achievement for the new councils as part of their wider local development frameworks. It also provides detail in the form of site allocations and development management policies.

2. The Inspector's Report

- 2.1 The Inspector's report has now been issued and this concludes the examination. It contains a schedule of main modifications. These are modifications which are considered material to the Plan.
- 2.2 The Inspector can only recommend main modifications put before him by the Waste Planning Authorities if invited to do so by the Waste Planning Authorities. It follows that the modifications attached to the report are those which were acceptable to the Waste Planning Authorities (having regard to the views of interested parties and under the guidance of the Inspector).
- 2.3 The report confirms that although there are a large number of modifications, they do not significantly alter the thrust of the overall strategy. The Inspector concludes that, subject to the inclusion of the modifications, the plan is legally compliant and sound.

3 Adoption of the Plan

- 3.1 Under the provisions of Section 23(5) of the Planning and Compulsory Purchase Act 2004 (as amended), it is the responsibility of the Waste Planning Authorities to adopt the Waste Plan. The plan can only be adopted subject to inclusion of the main modifications. For this reason it is recommended that the plan be adopted with the inclusion of the main modifications.
- 3.2 As the Plan covers the administrative areas of Dorset Council and Bournemouth, Christchurch and Poole Council (BCP) it will need to be adopted by the both authorities. To allow for the necessary processes to take place it is recommended that the formal adoption date is two weeks after both resolutions have been secured.
- 3.3 Once the plan is adopted, there will follow a 6-week legal challenge period from the date of adoption. During this period interested parties have the right to challenge the plan on legal/procedural matters only under the provisions of the Planning and Compulsory Purchase Act 2004.

4 Concluding Comment

- 4.1 The adoption of the Waste Plan will provide Dorset Council and BCP with an up-to-date policy framework that will replace the 'saved' policies from the 2006 plan. Under the provisions of the National Planning Policy Framework development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Having a plan that accords with the latest national policies will provide both Authorities with greater certainty in securing acceptable development that provides for Dorset's waste needs in a manner that is consistent with the Waste Plan. For these reasons I have no hesitation in commending the Waste Plan to you.