

# **Report to Neighbourhoods and Communities Select Committee**

**Date of meeting: 15<sup>th</sup> March 2016**

**Subject: Replacement Essex Waste Local Plan – Pre-Submission Draft March 2016**



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**Committee Secretary: A Hendry**

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## **Recommendations/Decisions Required:**

**To make the following response to the consultation:**

**To object, on two grounds of soundness, to the inclusion of the Langston Road Industrial Estate as an Area of Search:**

- a) **Given the significant change of use of part of the site to a high-class retail park, the potential development of waste management facilities in such a location is considered to be unsuitable and inappropriate. This proposal is therefore not considered to be the most appropriate strategy, and the “Justified” test of soundness is therefore failed; and**
- b) **The document gives no information about specific land requirements for new waste management facilities or how land ownership issues would or could be addressed. There must therefore be considerable doubt about whether a site on the Langston Road Industrial Estate could be delivered over the Plan period, so the “Effectiveness” test is also failed.**

## **Report:**

1. The Replacement Waste Local Plan: Pre Submission Draft is the version of the Plan proposed to be submitted to the Secretary of State, leading up to independent examination by a Planning Inspector later in 2016. It includes a vision statement, objectives and a spatial strategy to enable the delivery of sustainable waste development, site allocations and policies to manage waste development. The Plan covers the administrative areas of Essex County Council and Southend-on-Sea Borough Council. The consultation period runs from 3<sup>rd</sup> March to 14<sup>th</sup> April 2016 and the document and supplementary material can be viewed on [www.essex.gov.uk/WLP](http://www.essex.gov.uk/WLP)

2. The focus of this consultation, which is being carried out under Regulation 19 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012 is on soundness and legal compliance. The Planning Inspector (who will receive copies of all responses) can only address these issues in his consideration of the Waste Plan.

3. At the meeting of 21<sup>st</sup> July 2015, Overview and Scrutiny Committee considered the previous version of the Plan (Replacement Essex Waste Local Plan – Revised Preferred Approach Consultation) and agreed the following recommendations:

- To object to the allocation of the Hastingwood roundabout site for open-air waste recycling on the grounds of (a) being contrary to one of the purposes of including land in the Green Belt (preventing encroachment into the

countryside); and (b) concerns about traffic capacity on and around Junction 7 of the M11;

- To object to the identification of the Langston Road Industrial Estate as an “Area of Search”, because Epping Forest Council was promoting and supporting development of a high-class retail park on part of the site, and waste management facilities are considered to be a wholly inappropriate neighbour for this development.

4. The Hastingwood site is not included in the Pre-Submission version of the Draft Waste Plan which is a positive result to the previous consultation. There are therefore no Strategic Waste Site Allocations in this district in the Pre-Submission Plan.

5. Langston Road, however, continues to be identified as an “Area of Search” – the only one in this district. The Waste Authorities (i.e. Essex and Southend) have assessed designated employment areas within the Plan area to identify those potentially suitable, in principle, for waste management use. Such areas, and locational criteria policies, are included to afford the Waste Plan greater flexibility rather than relying solely on allocated sites – it is important that the Waste Plan is able to respond positively and reasonably quickly to any potential change in demand from the waste industry. Areas of Search and locational criteria therefore expand the scope of potential sites that are considered suitable for waste management, whilst still retaining a plan-led approach (allocated sites) to support the delivery of waste management facilities in the Plan area.

6. Despite the objection raised in the previous consultation, the Pre-Submission Plan does not acknowledge that a significant change of use is taking place on the Langston Road site – i.e. the development of a high-class retail park. While identification as an “Area of Search” does not mean that Langston Road will be used for waste management facilities, it is imperative that the Planning Inspector is made fully aware of this Council’s concerns about the potential adverse implications for the long-term success of the retail park.

7. The National Planning Policy Framework 2012 sets out the four tests of soundness against which Local, Waste and Minerals Plans will be assessed at Examinations in Public. A sound Plan is one which is (i) positively prepared – i.e. seeking to meet objectively assessed development and infrastructure requirements; (ii) justified – the most appropriate strategy, when considered against the reasonable alternatives; (c) effective – deliverable over its period; and (d) consistent with national policy.

8. Officers believe that the Pre-Submission Plan fails the second test of soundness as the identification of Langston Road as an Area of Search is not an appropriate strategy, given the significant change of use which is currently taking place, and for which waste management facilities would be an inappropriate and unsuitable neighbour.

9. Without more detail about the potential land requirements for a waste management facility, or how the Waste Authorities propose to deal with land ownership issues, there must be considerable doubt about the delivery of a facility on Langston Road in the period of the Plan. Officers therefore consider that the third soundness test – effectiveness – is also failed.

**Reason for decision:** The Pre-Submission Draft Plan continues to include the Langston Road Industrial Estate as an “Area of Search” for potential future waste management development. It is very important that the Planning Inspector is made aware of this Council’s objections to this aspect of the Draft Plan, as the development of the high-class retail park on Langston Road is now proceeding apace.

**Options considered and rejected:** Not to respond to the consultation.

**Resource implications:** Consideration of this consultation has been undertaken within the existing resources of the Planning Policy Team.

**Legal and Governance Implications:** At the previous consultation stage, this Council objected to the identification of the Langston Road Industrial Estate as an Area of Search, on the grounds that a high-class retail park was being developed on part of the site, and waste management facilities are considered to be an inappropriate and unsuitable neighbour for this form of development. This Council therefore believes that, as a consequence, the Pre-Submission Draft Plan fails one of the tests of “soundness” – ie that the proposal is not justified as the most appropriate strategy, based on the fact that significant changes of use away from industrial are occurring on part of the Langston Road site which make it unsuitable as an “Area of Search”. Taking into account issues of land requirement and land ownership, there are also considerable doubts about the deliverability of a waste management facility on Langston Road in the Plan period, so the soundness test of effectiveness is also failed.

**Safer, Cleaner Greener Implications:** The Council is concerned about potentially adverse effects arising from traffic movements, noise, dust and smell associated with waste management operations in close proximity to a high-class retail park.

**Consultation Undertaken:** None required – the recommendations of this report and the Council’s response to the consultation will be considered by the Neighbourhoods and Communities Select Committee on 15th March 2016.

**Background Papers:**

Replacement Waste Local Plan: Pre-Submission Draft (Essex County Council and Southend-on-Sea Borough Council) March 2016

Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012  
National Planning Policy Framework 2012

**Impact Assessments:**

**Risk Management:** If waste management facilities are developed in the Langston Road area in the future, this could potentially threaten the long-term economic success of the new retail park.

**Equality:** There are no equality implications arising from the recommendations in this report.