

## **East Sussex and Brighton and Hove Waste and Minerals Development Framework.**

### **Waste and Minerals Core Strategy - Preferred Strategy**

#### **Summary**

- 1.1 The first two development documents to be prepared as part of the combined Waste and Minerals Development Framework for East Sussex and Brighton & Hove were the Waste and Minerals Core Strategy and the Mineral Sites Development Plan Document. These were subject of consultation at issues and options stages last year.
- 1.2 The current consultation follows last year's consultation which included various meetings with stakeholders and sets out what, under the previous regulations was referred to as the 'preferred options', although in this case the document name is 'Preferred Strategy'. Comments are required by 15th January 2010.
- 1.3 The purpose of this report is therefore to advise of the publication of this consultation document and of the implications for Wealden and to enable appropriate responses to be made within the required timescale.

FOR INDIVIDUAL PORTFOLIO HOLDER DECISION

**Portfolio Holder: Cllr Roy Galley : Strategic Planning and Housing Delivery**

**Proposed Decision**

To advise East Sussex County Council that this Council:

- A. Supports the Spatial Objectives set out in Chapter 5, strongly supports policy CS1a on waste minimisation and policy CS1b seeking minimisation of construction and demolition waste.
- B. Supports the prioritisation of the use of mineral voids over any landraising facilities and believes ESCC must do much more to identify such opportunities. Also supports the fact that no provision is being required for allocations for new primary aggregates production or chalk extraction.
- C. Objects strongly to any landraise within the Wealden District owing to the high environmental quality of the whole area considering it to be unacceptable in principle when a number of alternative disposal methods are available. WDC also believes ESCC must rule out unequivocally any consideration of any landraise facility in the AONB areas and within or near to the new National Park. This objection to landraise anywhere in Wealden is based on:

- (1) Any landraise will be unsightly and obtrusive ;
- (2) Landraise conflicts with the Spatial objectives set out in the report;
- (3) Such waste is likely to result in pollution, vermin, odours, the leaching of contaminated material in to watercourses, adverse effects in floodplains and potential harm to wildlife; and
- (4) Large quantities of waste will need to be transported by HGV over inadequate roads where there are already significant delays and a high number of road accidents. Generally waste should be treated as near as possible to where it is produced in the interests of sustainability and controlling carbon emissions.

These concerns apply to all the sites identified in Wealden

- D. Has particular concerns, in addition to the general points set out above, that the area to the north of Hailsham is close to the floodplain of the river Cuckmere.

The sites at Halland,/East Hoathly ,Golden Cross/Lower Dicker and at Grisling Common /Pitdown are all near large residential settlements, would be highly visible, often in close proximity to Ancient Woodland.

The Grisling Common site is near the floodplain of the River Ouse.

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Policy CS7 refers to relaxed discharge standards downstream of Arlington Reservoir which the Council considers unacceptable.

- E. Advise the County Council that their approach to this important consultation has led to confusion and low levels of awareness amongst key stakeholders such as Parish Councils and they be asked to review their arrangements to address this shortcoming for the future consultation purposes. In particular this should include informing affected landowners and the holding of exhibitions and explanatory meetings.
- F. Believes that there is a need to promote more strongly the use of rail for the transportation of minerals and waste and strongly supports the County Council's resistance to importing and handling waste from London.

### **Reason**

- 2.1 To ensure the views of this Council as a Statutory Consultee, are taken into account in the formulation by the East Sussex County Council of its Waste and Minerals Core Strategy.
- 2.2 It is essential that this Core Strategy for Waste and Minerals makes provision for elements of infrastructure which are consistent with the growth planned within the Core Strategies of Wealden and the other Districts in and adjacent to the County. This will need to include waste management, waste water and minerals infrastructure. Our Infrastructure Delivery Plan will need to chart this provision and progress on implementation.

### **Introduction**

- 2.3 Depending on levels of waste growth, it is estimated that between 34 and 37 million tonnes of solid waste will be produced in East Sussex and Brighton & Hove between 2011 and 2026. This will be made up of about 6 to 7 million tonnes of Municipal Solid Waste (MSW), 6 to 7 million tonnes of Commercial and Industrial waste (C&I) and 20 to 22 million tonnes of Construction and Demolition waste (C&D).
- 2.4 Taking into account the capacity of existing facilities, new capacity for the additional recovery of between 0.5 and 2 million tonnes of MSW and C&I waste (including recycling and composting) will be needed for the period between 2011 and 2026. C&D waste recycling will need to increase to allow the processing of between an additional 5 and 7 million tonnes.

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- 2.5 In addition, land disposal capacity for up to about 3.7 million tonnes could be needed up to 2026 to deal with residual waste. This assumes that no residual waste is imported from London for disposal.

### **Analysis**

- 2.6 With regard to minerals provision, the consultation document considers that current requirements in the South East Plan (SEP) for land-won aggregates can be met. Marine imports, and provision of recycled and secondary aggregates, will need to be maintained and where possible increased to meet the construction needs to 2026 as set out in the SEP.
- 2.7 There are no requirements to make provision for specific amounts of other minerals that are currently extracted in the plan area (chalk, clay and gypsum) however two clay sites within the county but outside of Wealden (Aldershaw Farm and Chailey) require further provision.
- 2.8 The opportunities for alternative transport to road for minerals and waste are limited. The document states that this is because the distances involved are too short and that sites are not adjacent to ports or railheads (or that reinstating railheads would be too expensive).
- 2.9 The Spatial vision has been revised from that presented in the Issues & Option consultation . The revised version retains a reference to the importance of preserving and enhancing the area's *"exceptional countryside, which includes a Heritage Coastline, the South Downs, Ashdown Forest and the Weald"*.
- 2.10 The overall objectives of the strategy now put forward have also been subject to amendment, including repeating comments regarding the need for careful siting of facilities. An additional objective relating to climate change and rising sea level has also now been incorporated and should be supported.

### **Core Spatial Policies - Waste**

- 2.11 Issue W1 is waste minimisation. The Preferred Strategy Option proposed is to adopt a proactive approach to working with partners to investigate and implement initiatives to minimise waste production. Policy CS1a sets out a general approach in line with this. Policy CS1b focuses on minimising C&D waste. These Preferred Options and associated policies should be supported . They are in line with the aims expressed in the SEP to reduce the growth of all waste to 0.5% per annum by 2020. (C&D waste accounts for 62% of all solid waste produced).

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2.12 Issue W2 relates to the need for additional waste recovery and landfill disposal capacity. Estimating the amount of waste produced relies on a number of factors to help in estimating the amount of waste required to go to landfill and the amount that would be recovered. The proposed Preferred Option is to allow for some flexibility in planning for future waste management. Policy CS2 is therefore based on the mid-range of estimates for future waste production in order to avoid over-provision whilst seeking to minimise delays in provision of needed facilities. The policy does not include facilities to absorb residual waste from London, despite this being a requirement in the SEP. ( East Sussex and Brighton & Hove Councils are arguing that their areas are not suitable to absorb waste from London ), and it is considered that this should be supported in principle because of the lack of suitable areas for landfill within the County, its high environmental assets and sensitivity and because of poor transport links.

2.13 Issue W3 relates to the targets for recycling and recovery of different waste streams. The Preferred Option is that the balance between recycling and composting methods and energy recovery methods should be based on meeting national targets for all types of waste. However, account should be taken of local factors to determine the most likely balance of requirements between waste management types whilst aiming towards extending national targets to meet (higher) regional targets where practicable. Policy CS3 sets out minimum targets for the recycling and recovery of the different types of waste stream. These proposals are generally felt to be supportable where close partnership working at the local level is already well developed and will enable more demanding targets to be achieved where practicable.

- For clarification the document states that higher MSW recycling targets would be limited because of factors including: resources and the proportion of the waste stream that contains materials which are practicably recyclable.
- The practical ability of households living in compact accommodation e.g. blocks of flats, to separate and store wastes for recycling.
- The degree of behaviour change required to ensure the separation of large quantities of recyclable wastes from the waste stream.
- Availability of resources.

2.14 Issue W4 is the distribution and scale of strategic waste recovery facilities. The Preferred Option is to prioritise locations close to urban settlements or main towns with good accessibility to the strategic road network, but that “If necessary, specific, identified, sites in the AONBs/designated National Park could be allowed as contingency”. Policy CS4 includes a

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requirement that development proposals within the AONB/National Park must demonstrate that there are no reasonably deliverable alternative sites and the AONBs/National Park areas are excluded from the primary areas of search. This again is a supportable approach where, although development within the AONBs cannot be ruled out, it must be shown to be the only reasonable option available.

- 2.15 Issue W5 relates to identifying sites for built development associated with recycling and recovery of waste. The Preferred Option is the most flexible, with a preference to focus on previously developed sites, although greenfield sites may be acceptable where they are part of a major new or planned development. Policy CS5a gives great weight to assessing the impact on the environment, although it states that small-scale development within the AONBs/National Park may be acceptable, subject to a range of strict criteria and providing that relevant national/regional policies are satisfied. Policy CS5b relates to open air composting and recycling and states that the provisions of policy CS5a will apply, but that sites must not be within 250m of communities or workplaces. We consider these criteria to be too tightly drawn as they would exclude acceptable small scale composting and waste recovery facilities which could sit empathetically in sensitive surroundings. Proposed Policy CS5c requires the design of the facility to take into account the need to minimise greenhouse gas emissions over the facility's life-cycle and this approach can also be supported.
- 2.16 Issue W6 relates to the scale and distribution of landfill and land raising facilities, and it is this issue that potentially has the greatest implications for Wealden. Although significant achievements have been made in respect of waste reduction and recycling, and further improvements are planned, there still remains a strategic requirement for waste disposal facilities. The stated Preferred Option is clearly set out as prioritising use of mineral voids ("filling holes"), avoiding water resources and "valued environments". Once again no accommodation of waste from London is planned, albeit this is an element of stated requirements from SE Plan. Policy CS6 sets out the proposed criteria for allocating disposal via either mineral voids or land raising. Whilst no specific reference is given to AONBs or the National Park reference is made, as detailed above, to avoiding "valued environments". In respect of Policy CS6, therefore, it is considered important to ensure specific reference is made in the final document to the avoidance of AONBs and the new National Park or locating landraise facilities, and that use of mineral voids should be pursued before considering landraise. Other proposed broad criteria for the identification of landraise sites, namely avoiding permeable geology (chalk, sandstone etc.), protection of groundwater sources, seeking areas close to but not within the primary areas for generation of waste, good

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access etc. are reasonable and sound and can be supported subject to the proven need for any landraise .

Policy CS6 also sets out a number of other specific criteria to ensure that any proposed facilities can demonstrate that they are acceptable in terms of other policy considerations and criteria, including no unacceptable impact on the environment, good access, comprehensive restoration schemes etc. The proposed criteria are appropriate and can be supported.

The document does set out, in a Plan 4, a number of "likely" and "less likely" sites for contingency land disposal facilities, some of which are within Wealden. Whilst the County Council acknowledge that additional work and research would be needed before any of these might be progressed within any final document, it is felt that strong objection should be raised to the inclusion of one area to the North of Hailsham, and referred to as a "likely" contingency site because of its close proximity to the flood plain of the river Cuckmere. The remaining sites more closely meet the criteria however there has been considerable concern expressed regarding the principle of any landraise facilities within the District . .

- 2.17 Issue W7 is wastewater management and sewage sludge treatment. The consultation document explains that, subject to the completion of the Peachaven treatment works, there will be capacity to meet current wastewater requirements in Brighton & Hove and East Sussex, but not to meet the additional wastewater in the Hailsham area associated with the level of house building set out in the SEP. The Preferred Option is actually a combination of options and Policy CS7 sets out a range of options which includes potential for new facilities to discharge into the Cuckmere and a long sea outfall to the northeast of Eastbourne. It is important to stress that in responding to the consultation that reassurance is sought that any discharge to the Cuckmere must be subject to strict discharge standards (the document currently states that the discharge standard could theoretically be relaxed if downstream of Arlington Reservoir and it is suggested that this would not be an acceptable way forward).
- 2.18 Issue W8 is the management of hazardous waste. The Preferred Option is to handle some types of hazardous waste within Brighton & Hove/East Sussex, but for contributions to be made for handling other types of waste outside of the County on a basis of net self sufficiency. This is because some forms of hazardous waste would be of such small quantity that it would not be commercially viable to manage them within the County. Policy CS8 sets out how hazardous waste should be handled.

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### **Core Spatial Policies - Minerals**

- 2.19 Issue M1 relates to the sustainable management of minerals. The Preferred Option is a combination of options. Policy CS9 states that use of secondary and recycled alternatives will be promoted in preference to primary materials. This approach is a more sustainable way forward and is strongly supported.
- 2.20 Issue M2 relates to the safeguarding of existing mineral resources, wharfs and rail facilities. The Preferred Option seeks to achieve this by using National guidance and identifying only those minerals and facilities that are viable to be worked. Policy CS10a lists the areas that are to be safeguarded. It is again considered that any the Minerals Consultation Areas must take account of protective landscape designations, with sites within such areas only being identified if the need for the mineral is in the overriding public interest, there are no alternative sites outside the AONB, and the harm to the AONB is minimised. Policy CS10b lists the wharves and rail facilities to be safeguarded, including sites in Newhaven and Shoreham Harbour and this is strongly supported.
- 2.21 Issue M3 is the need for a timely supply of minerals to meet national, regional and local demand. This is split into five sub-issues: aggregates; clay; gypsum; oil and gas; chalk.
- 2.22 Issue M3a concerns meeting the need for aggregates provision. The Preferred Option, set out in Policy CS11a, is to meet demand through existing permissions, existing wharf facilities and through secondary and recycled aggregates. Other options had anticipated a higher apportionment than that now proposed in the SEP. No additional land is therefore to be allocated for primary aggregates production and this approach is supported.
- 2.23 Issue M3b is about meeting the needs for clay. The Preferred Option and Policy CS11b do not propose new clay extraction sites other than extending existing sites.
- 2.24 Issue M3d seeks to determine a policy approach for on-shore oil and gas exploration and development. The Preferred Option is therefore general support for onshore exploration of oil and gas. Policy CS13 states that a policy framework will be prepared that will aim to mitigate for environmental effects and explains that, given the environmental designations covering East Sussex, permission to explore does not necessarily mean that planning permission will be given for extraction.

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- 2.25 Issue M3e relates to the provision for local chalk supply. The entire County chalk resource is located within the AONB/National Park area, but no sites are currently in active use and the SEP only requires reserves to be maintained in Kent and Medway. Accordingly the Preferred Option is to identify no new reserves and no policy is proposed.
- 2.26 Issue M4 relates generally to the protection of designated areas and reducing the environmental impact of minerals. The Preferred Option is a combination of options that prioritise the location of sites in a manner that does not cause unacceptable impacts and seeks to establish stringent criteria to assess the environmental and health impacts of new sites. Policy CS14 sets out the approach and also states that a framework will be established to review inactive and dormant sites to prevent reopening where an unacceptable adverse impact would result as well as securing restoration obligations where required. A suite of Development Control Policies will also be developed, including landscape character. This approach is supported as it will protect designated areas from possible development whilst ensuring high environmental standards are pursued.
- 2.27 Issue M5 is the sustainable transport of minerals into and within the plan area. The document states that the average distance travelled by aggregates is 30 miles, and that rail travel could not be justified (except at Mountfield gypsum mine in Rother District) because of the costs involved and/or the ability of the rail network to handle additional trains. The Preferred Option is therefore a general support for sustainable means of transporting minerals. This is set out in Policy CS15, which also links in with Policy CS10b. However, the document should send a firmer Policy message in respect of seeking in future to make better use of rail facilities to help minimise the adverse effects of transportation of minerals by road and the additional impacts this has on issues of sustainability and climate change. We believe this principle should apply equally to the transport of waste providing it was to a level which did not promote importation.

### **Wealden as a Waste Collection Authority (WCA)**

3. As well as being the Planning Authority, the Council is also the WCA. In this regard the strengthening of infrastructure, which will improve efficiency and sustainability, is to be welcomed. However, it will be essential that projections on future waste arisings are accurate, and it is proposed that County be asked to validate current projections.

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### Conclusions

4. Our key interest in this consultation document is the degree to which it will offer policies and infrastructure to support our own Core Strategy. In this regard it is considered that the spatial objectives set out in the document provides a sound methodology and criteria for dealing with waste and minerals requirements within East Sussex/Brighton and Hove area to meet future requirements. This in turn is set out as a vision for provision and proposed policies that will inform subsequent and site specific Development Plan Documents. These documents will emphasise the importance of minimisation, re-use, recycling, composting, energy generation and other forms of waste disposal. Specific areas of concern are set out in the recommendations and relate especially to the need for clearer reference in some cases for protection of designated landscapes (AONB/National Park), highest quality of water discharge from wastewater management and sewage sludge treatment, quality of waste water discharge to the Cuckmere, and concerns regarding one possible search area for landfill contingency that lies close to the floodplain of the river Cuckmere and is considered contrary to the proposed criteria.
  - 4.1 Many of the Preferred Options and policies give great weight to protective landscape designations, and protection of the environment whilst balancing this with a need to ensure appropriate provision is made for matters relating to minerals and waste. Where these are required, for example in respect of recovery/recycling facilities and seeking land disposal sites, the consultation generally sets out supportable visions, methodologies and policy solutions. As set out within this report, there are nevertheless areas of concern which need to be emphasised in any consultation response, and these are set out within the recommendations.
  - 4.2 The decision not to account for London waste should be supported insofar as it would result in requirements for additional landfill within the County. The decision is backed up by a report prepared by the Consultancy Scott Wilson, which concludes that it would not be appropriate for an apportionment of London's residual waste to be given to East Sussex and Brighton & Hove. Nevertheless, there is a concern that the future Core Strategy could be considered unsound if it makes no provision for London waste and/or additional landfill capacity would need to be found in a shorter time frame.
  - 4.3 Although wharves and rail depots would be safeguarded, and sustainable transport of minerals encouraged, there is also some concern that rail transport needs to be more seriously considered for transportation of

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materials/ minerals albeit that options for rail transport would be limited for short distances.

- 4.4 It is felt that further consideration needs to be given to ensure widespread publicity and consultation with those communities most closely affected by forthcoming site specific proposals in order that necessary work can continue towards the production of the Core Strategy that is informed by local views. In this respect, Parish Councils should be encouraged to make any representations they feel appropriate for their area.

### Options

5. The consultation document waste and Minerals Core Strategy - preferred strategy, requires any response by the 15th January 2010. The various issues and proposed policy options are set out within the report together with suggested comments and recommendations.

### Corporate Management Team Advice

6. That the approach and broad aims and proposals set out in the consultation paper generally be supported but that objections be made in respect of:
- (i) the inclusion of the area to the north of Hailsham as a likely contingency site for landraise owing to its close proximity to the flow plain of the river Cuckmere (plan 4);
  - (ii) the reference in Policy CS7 to any relaxation in discharge standards downstream of Arlington Reservoir;
  - (iii) the lack of specific reference in Issue W6 and Policy CS6 to avoiding AONBs/National Park in setting criteria for seeking land disposal facilities;
  - (iv) lack of recognition that some small scale facilities for composting waste or recycling within AONBs may be able to be appropriately accommodated in a way that enhances efficiency and sustainability;
- and that specific attention be drawn to
- (v) the need to encourage Parish Councils to make any representations they feel appropriate for their area;
  - (vi) strong support for no provision being required for allocations for new primary aggregates production or chalk extraction;
  - (vii) the need to ensure adequate publicity and consultation with communities affected by these proposals;

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- (viii) the need to promote more strongly the use of rail for transportation of minerals and waste providing this is not to a level so as to encourage importation from outside of the area covered by the core strategy .

### Financial Implications

7. None

### Legal Implications

8. None

### Human Resources Implications

9. Future responses and engagement on subsequent consultations are expected to be within existing staff resources.

### Other Implications

10. The adopted Core Strategy will have significant environmental and sustainability implications for Wealden and across the County. The final document will be required to be subject of a sustainability appraisal process. Provision of the necessary infrastructure to deal with future waste and minerals need will require to be based upon sound principles to ensure that the adopted document is fit for purpose . As the preferred strategy document will ultimately inform the production of the submitted Core strategy for minerals and waste it will be important to ensure that engagement and consultation opportunities are provided.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	Yes		

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Background Papers:	Waste and Minerals Core Strategy - Preferred Strategy . ESCC October 2009