

SURREY COUNTY COUNCIL

CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT

DATE: 4 APRIL 2012

**REPORT OF: IAIN REEVE – ASSISTANT DIRECTOR,
STRATEGY, TRANSPORT AND PLANNING**

**SUBJECT: EAST SUSSEX, SOUTH DOWNS AND BRIGHTON & HOVE
WASTE AND MINERALS PLAN**



KEY ISSUE/DECISION:

To consider whether Surrey County Council should object to the East Sussex, Brighton and Hove and South Downs Waste and Minerals Plan due to the lack of provision for future landfill capacity in East Sussex.

DETAILS:

Introduction

1. East Sussex County Council, Brighton and Hove City Council and the South Downs National Park Authority have agreed that their joint Waste and Minerals Plan should be submitted to Government for soundness testing. The Plan has been published and comments invited on the soundness of the Plan.
2. Surrey County Council has previously indicated concerns over the Plan's reliance upon landfill outside its area to meet its residual waste management needs. This report provides for formal representations to be submitted by the County Council on this issue.

Business Case

3. East Sussex, like West Sussex and Kent, is running out of non-inert landfill capacity, but is not proposing any new landfill provision. Their Plan is looking to rely upon landfill in other counties, such as Surrey, for disposal of residual waste. The proposed landfill site at Bexhill allocated in their current Waste Local Plan has been deleted from this replacement Plan on account mainly of withdrawal of operator interest and uncertainty over access in respect of the proposed Hastings-Bexhill bypass and a separate 'Country Avenue'.
4. Patteson Court, Redhill is Surrey's major non-inert landfill facility. It is programmed to continue accepting waste until 2027 and is likely to be the only non-inert landfill operating in Surrey beyond the short-term. With the London Plan relaxing their timescales for recycling and recovery targets, and Beddington landfill in Croydon likely to close by the end of the decade, there will be increased pressure on Patteson Court from London, as well as from the Sussexes and possibly Kent. Without alternative landfill capacity in the south-east of the South East, Patteson Court's capacity is likely to be increasingly taken by waste from outside Surrey, and will generate pressure for further landfill capacity to be provided in Surrey.

5. The principle in the South East Plan is for each county to plan for net self-sufficiency in waste management capacity. East Sussex's Plan, which looks forward to 2026, not only drops its existing landfill allocation, but includes a policy effectively discouraging any potential interest in landfill development. While acknowledging that, with the landfill tax escalator, there is little or no current interest in developing new landfill, it is considered unreasonable for East Sussex to effectively preclude further land disposal provision, simply relying on facilities elsewhere.

Landfill Potential and Ashdown Brickworks

6. The relevant section of the Plan is set out below:

3.54 Any opportunities for developing new landfill capacity in the Plan Area are restricted to existing mineral quarries, however, such sites are very few in number and their locations and geology may not be compatible with modern environmental protection policy and they may therefore be unsuitable for landfill. Ashdown Brickworks had been considered in the Preferred Strategy as the only mineral excavation site that might offer any possible potential for landfilling during the Plan period. There is no realistic expectation that Ashdown Brickworks could provide capacity within the Plan period and consequently the location is not proposed as an Area of Search in the Plan (see below).

Ashdown Brickworks

Ashdown Brickworks is a large clay void located to the north-west of Bexhill which is allocated in the Waste Local Plan for non-inert landfill (Policy WLP10b). Although this site had been identified as offering potential for the development as a landfill for some time, no proposals have come forward. This situation has continued into the current period during which considerable quantities of waste are being transported to existing landfill sites beyond the Plan Area and the closure of Pebsham Landfill has become imminent. In any event, infill of the site at a rate that would be economically viable is dependent on the development of the 'Bexhill Hastings Link Road' (BHLR) and a separate 'Country Avenue'. The funding of the BHLR is dependent on a government decision which is expected in Spring 2012 and, even if funding is provided, it is therefore highly unlikely that the whole connection to the A269 would be constructed before at least the mid 2020s. In these circumstances it is therefore considered that landfill at this site could not be delivered during the period of this Plan.

As demand for landfill will be at a very low ebb by the 2020s, it is not proposed to save the site specific allocation in the Waste Local Plan at Ashdown Brickworks.

7. While there is little current interest in developing non-inert landfills, existing capacity diminishes while demand for non-inert residual waste disposal continues, albeit in declining quantities. Therefore, there needs to be sufficient land disposal provision made for the longer term. Non-inert landfills now require considerable investment in site preparation with long lead times. Even if Ashdown Brickworks is unlikely to be developed for landfill by 2026, if it is the only effective landfill option in East Sussex, there should be safeguarding for it for beyond the Plan period.
8. Therefore, it is proposed that the last sentence of the section in the Plan on Ashdown Brickworks be modified as follows:

~~As demand for landfill will be at a very low ebb by the 2020s, While it is not proposed to save the site specific allocation in the Waste Local Plan at Ashdown Brickworks,~~ the Plan will safeguard the potential of this site to

provide landfill capacity in the longer-term under the provisions of Policy WMP 5.

Non-Inert Landfill Policy

9. The relevant Plan policy is set out below:

Policy WMP 7a

Land Disposal of Non-Inert Waste

Proposals for the disposal of non-inert waste to land will only be considered as a last resort where it is demonstrated that:

- a. the waste to be disposed of cannot be managed in a manner which is defined further up the waste hierarchy; and,
- b. there is a clearly established need for the additional waste disposal to land capacity which cannot be met at existing permitted sites either within, or at an appropriate distance beyond, the Plan Area; and
- c. it does not pose an unacceptable risk to the environment, including ground and surface waters, landscape character and visual amenity; and
- d. it can be demonstrated that it will not give rise to unacceptable implications for communities through adverse impacts on amenity or highway infrastructure; and,
- e. the proposals form part of an engineering operation such as the restoration and/or stabilisation of a mineral void; and,
- f. the resulting final landform, landscape and after-uses enhance the environment and are sympathetic to the land uses, nature conservation and amenity interests of the site and surrounding area, including landscape character and visual amenity.

In the case of landraise proposals for non-inert waste on greenfield sites, in addition to the requirements (a) to (f) above, permission will only be granted if all existing permitted land disposal and mineral working sites and appropriate previously developed sites within, and at an appropriate distance beyond the Plan Area, have been investigated and eliminated as unsuitable for non-inert waste disposal.

10. It is considered that clause b. above presents an ill-defined and unreasonable restriction which would discourage future interest in and effectively preclude the development of land disposal capacity in East Sussex. Similarly, the final sentence of the policy is also unreasonably restrictive and unnecessary. While landraise on greenfield sites is an inherently undesirable option, future needs may require its consideration if landfill options are unavailable and the other requirements of the policy would ensure its acceptability in amenity terms. Therefore, it is proposed that both clause b. and the final sentence of Policy WMP 7a should be deleted.

Consultation

11. Concerns about the land disposal issue have been raised by Surrey officers in earlier consultations, flagging up a likely objection unless the Plan's approach to landfill was amended. The issues have been discussed at length by officers of the authorities involved, but the approach in the Plan has not changed significantly.

Financial and value for money implications

12. The costs involved in objecting to the plan can be met from existing budgets. Should the plan be approved there will be increased pressure for further

landfill capacity in Surrey. Both the planning process for any such application, and subsequent monitoring processes should an application be permitted, would result in additional costs to Surrey County Council.

Equalities implications

13. There are no equality and diversity implications.

Risk management implications

14. There is a risk of increased pressure for further landfill capacity being sought in sought in Surrey if provision is effectively precluded in East Sussex. That in turn may create environmental risks, although these should be well managed and safeguarded by the planning and environmental permitting systems.

Legal implications/legislative requirements

15. The Localism Act Section 110 introduced a duty on all planning authorities to cooperate with each other in their plan preparation. Officers have been cooperating with East Sussex County Council as their Plan has developed, but the difference of view of landfill has now reached the stage of formal representations to be resolved through public examination.

Corporate Parenting/Looked After Children implications

16. The East Sussex Waste and Minerals Plan will have no impact on the Council's corporate parenting role or looked after children.

Section 151 Officer commentary

17. The Section 151 Officer confirms that all material financial and business issues and risks have been considered in this report.

RECOMMENDATIONS:

It is recommended that the Cabinet Member for Transport and Environment agrees that Surrey County Council objects to the East Sussex, Brighton and Hove and South Downs Waste and Minerals Plan because it effectively precludes future provision for land disposal capacity for non-inert waste and proposes appropriate modifications to the Plan as set out in the report.

REASONS FOR RECOMMENDATIONS:

The objection seeks to protect Surrey from potential pressures to provide landfill capacity for a neighbouring county seeking to avoid making provision itself.

WHAT HAPPENS NEXT:

An objection will be submitted on behalf of the County Council. The County Council's objection will be considered by a Planning Inspector through a public examination.

Contact Officer:

David Lamb, Minerals and Waste Planning Policy Manager: 020 8541 9456

Consulted:

None

Informed:

Iain Reeve, Ian Lake, John Furey

Sources/background papers:

Report to East Sussex County Council Cabinet - 26 January 2012

Proposed Submission Draft Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove (Shortened Version) – January 2012
