

Agenda Item 4

East Sussex County Council Brighton & Hove City Council

Meeting: Joint Waste Committee

Date: 20 June 2006

Report of: Director of Transport and Environment, East Sussex County Council, and
Director of Environment, Brighton & Hove City Council

Subject: Waste Local Plan and Joint Waste Development Framework

Ward(s) affected: All

1. Purpose of the report

- 1.1 To advise the Joint Waste Committee of the legal challenge that has been made to the Waste Local Plan.
- 1.2 To advise the Joint Waste Committee of progress on the preparation of a Joint Waste Development Framework Core Strategy document.

2. Recommendations

- 2.1 The Joint Waste Committee is recommended to note the report.

3. Information

3.1 Background

- 3.1.1 Members of both authorities decided to move to adoption of the East Sussex and Brighton & Hove Waste Local Plan (WLP) in November and December 2005. On 21 February 2006, following the formal period of the Councils' notice of intention to adopt and the decision by the Government not to intervene in the process, the WLP came into operation as part of the Development Plan for the area. The Councils

subsequently advertised a formal notice of their adoption of the WLP on 3 March 2006.

3.2 Legal Challenge to the Waste Local Plan

- 3.2.1 Following the Councils' advertisement of adoption of the WLP, there then followed a six-week period during which anyone was entitled to make a legal challenge in the High Court to the WLP on certain grounds. One challenge was made at the end of this period.
- 3.2.2 The challenge seeks to quash those parts of the WLP which were the subject of those recommendations by the Public Inquiry Inspector rejected by the Councils. The challenge does not seek to quash the entire Plan.
- 3.2.3 These rejected recommendations include those where the Inspector suggested the widening out of potential waste management uses on certain sites allocated in the WLP, the safeguarding of additional sites and changes to the WLP's recycling and recovery targets.
- 3.2.4 The claimant has attempted to extend the challenge to raise issues on North Quay, Newhaven (failure to take account of Inspector's point that there was uncertainty whether an incinerator would be acceptable) and Sackville Coalyard, Hove (reliance on the Brighton & Hove local Plan for not following the WLP Inquiry Inspector's recommendation to widen the range of waste uses on the site).
- 3.2.5 The challenge is being defended by the Councils and work is currently underway in this regard. The exact timing of the High Court hearing is yet to be confirmed but the Councils' are seeking an expedited date.
- 3.2.6 Counsel has advised the Councils that currently the WLP remains adopted and part of the Development Plan. Clearly, if necessary, the implications of any decision made by the High Court will be considered at that time.

3.3 Waste Development Framework

- 3.3.1 As mentioned in the report to this Committee on 11 November 2005, following adoption of the WLP, there is now a need to commence work on a review of the Plan. Under the new planning system, Waste Development Frameworks have taken the place of Waste Local Plans

and work to prepare the Waste Development Framework has commenced.

3.3.2 Both Councils have indicated in their Local Development Schemes that they intend to progress work on the WDF and officers from both Councils are now working together to examine how this can be undertaken.

3.3.3 The WDF is likely to consist of Development Plan Documents (DPDs) as follows:

A Core Strategy; a Site Allocations DPD, and; a Proposals Map.

3.3.4 A programme for preparation of the Core Strategy has been formally included in the City Council's revised Local Development Scheme and submitted to the Secretary of State. This programme shows the key stages in this document's production and is shown in Appendix 1 of this report. Approval from Members for relevant amendments to the County Council's Minerals and Waste Development Scheme, which reflects this programme, will be sought in due course.

4. Financial Implications

4.1 In defending the legal challenge to the WLP additional costs will be incurred such as those associated with the instruction of a barrister. These costs will be met from the Councils' residual Waste Local Plan budgets although this will depend on the final total costs which are not yet known.

4.2 The estimated costs associated with the preparation of the Waste Development Framework in 2006/7 have already been included within departmental budgets. Costs will be shared between the County Council and the City Council on a respective two-thirds/one-thirds basis. This arrangement continues that which was in place for the preparation of the Waste Local Plan.

5. Conclusion

5.1 The Waste Local Plan has been adopted by the Councils and is now in operation. A legal challenge to the adopted WLP has been made and the Councils are defending this.

5.2 Officers from both Councils have commenced the early stages of examining how to prepare a joint Waste Development Framework that, in time, will replace the Waste Local Plan.

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Appendix One – Outline Programme for Preparation of the Waste Development Framework’s Core Strategy Development Plan Document

Date	Activity
April 2006	Commencement of Document
May 2007-August 2007	Early stakeholder and community involvement:
May 2007-June 2007	Consultation on Scoping Report
January 2008- October 2008	Public consultation: Preferred options and proposals
September 2008-October 2008	Consultation on SA Report
August 2009	Submission to SoS
September 2009- October 2009	Consultation on submission DPD
December 2009	Pre-examination meeting
March 2010- April 2010	Examination
February 2011	Estimated date for adoption