

**East Sussex County Council
Brighton & Hove City Council**

Meeting: Joint Waste Committee

Date: 18 December 2006

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

Subject: Waste Local Plan, Waste and Minerals Core Strategy
Development Plan Document and Planning
Applications

1. Purpose of the Report

1.1 To advise the Joint Waste Committee of the work of the Councils as Waste Planning Authorities on progress on the:

- Waste Local Plan;
- Waste and Minerals Core Strategy Development Plan Document;
- planning applications.

2. Recommendation

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

3. Information

(a) Waste Local Plan

3.1 The High Court challenge of the Waste Local Plan (WLP) was heard on 18 and 19 October 2006. The judge's decision was handed down on 24 November 2006. It rejected the challenge on all counts and leave to appeal was refused. Whilst the case for appeal is not strong, the challenger could, at the time of writing this report, still apply directly to the Court of Appeal. We understand this would be subject to the challenger obtaining further legal aid.

3.2 The result is that the WLP requires no changes and remains an adopted plan. It will be automatically "saved" as a local plan, forming part of the statutory Development plan for the two Councils' areas, until February 2009, under the transitional arrangements in the Planning & Compulsory Purchase Act 2004. It provides a robust framework and sets out planning policies against which to judge planning applications.

3.3 The Planning & Compulsory Purchase Act 2004 requires that Local Plans are replaced by Development Frameworks, comprising individual Development Plan Documents (DPDs). The Councils will be applying, at the

appropriate time, to GOSE to “save” the Waste Local Plan beyond February 2009, to ensure it remains part of the statutory Development Plan for the area until replaced by new DPDs. Given the up to date nature of the WLP, we consider the case for “saving” the WLP to be strong.

(b) Waste and Minerals Core Strategy Development Plan Document

3.4 Both Councils have agreed to develop a Waste and Minerals Core Strategy. This joint DPD will, in due course, replace the strategy parts of the joint WLP and the joint Minerals Local Plan (MLP). Evidence gathering is progressing. There will be early community involvement in the process in summer 2007.

3.5 The County Council is also progressing a Minerals Sites DPD.

3.6 A joint Waste Sites DPD will be required but this work is not yet programmed or part of either Councils’ Development Scheme.

(c) Planning applications – East Sussex

Maresfield, Household Waste Recycling Site and Waste Transfer Station

3.7 The S106 agreement has been signed and the planning decision notice was issued on 12 October 2006.

Whitesmith – Central Composting Facility

3.8 This application is likely to be reported to the County Council’s Planning Committee on 20 December 2006.

Newhaven – Energy Recovery Facility and Waste Transfer Station

3.9 The Environment Agency has issued a Pollution Control Permit. Subject to maintaining current progress, the planning application will shortly be reported to the County Council’s Planning Committee.

Bulverhythe – St Leonards-on-Sea, Waste Transfer Station

3.10 Following Hastings Borough Council’s decision to withdraw from an existing private waste transfer station, it has applied for retrospective planning permission to use a municipal depot for transfer of recyclates, by Hasting Borough Council.

Pebsham – Waste Transfer Station

3.11 Following a request for a scoping opinion, the County Council has informed Veolia that its proposal for a Waste Transfer Station at Pebsham, on the site of the former Reprotech Waste Derived Fuel plant, does not require an Environmental Impact Assessment. The planning application had just been submitted at the time of writing this report.

Pebsham – Landraise site

3.12 Operators, Biffa, propose applying for planning permission to use part of the landraise site, currently restricted to use for inert waste, for non-inert waste. A planning application is awaited.

(d) Planning applications – Brighton & Hove

Hollingdean Depot - Materials Recycling Facility/Waste Transfer Station

3.13 Brighton & Hove City Council and operators Veolia are still awaiting the outcome of the pre-claim into the Judicial Review. It is expected within the month. They will then know if the claim will actually become a Judicial Review or not. Notwithstanding this Veolia is pressing ahead with the development and have demolished the buildings on site, and are in the process of discharging conditions/S106 for the construction phase (hoped to start at the end of January 2007).

Bob Wilkins
Director
Transport and Environment Department
East Sussex County Council

Jenny Rolands
Director
Environment Department
Brighton & Hove City Council

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Contact Officers:

Alistair Robson
Assistant Director Policy Division
Transport and Environment Department
East Sussex County Council
Tel: 01273 481633

Martin Randall
Assistant Director – City Planner
Environment Department
Brighton & Hove City Council

Tel: 01273 293296