

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 100

Brighton & Hove City Council

Subject: Saving of Waste Local Plan policies
Date of Meeting: 27 January 2009
Report of: Director of Environment
Contact Officer: Name: **Lyndsey Beveridge** Tel: **29-2108**
E-mail: lyndsey.beveridge@brighton-hove.gov.uk
Key Decision: Yes Forward Plan No. *ENV7248*
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Waste Local Plan provides the local statutory decision-making framework for judging future applications for planning permission for waste developments in the City. Replacement policies will not be developed for some time therefore the Council needs to retain, or 'save, the policies in the Plan beyond February 2009 (pending approval from the Secretary of State) which is the date the Plan is currently saved until.
- 1.2 This report seeks approval from the Cabinet Member for Environment for the saving of policies in the Waste Local Plan beyond the statutory minimum of three years.

2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Environment approves the saving of policies in the Waste Local Plan beyond the statutory minimum of three years (ie. beyond February 2009).

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The system provided by the Planning & Compulsory Purchase Act (2004) allows for policies in development plans to be automatically retained, or 'saved', for three years after adoption. However, planning authorities may apply to the Secretary of State to extend this period six months before they are due to expire. The East Sussex and Brighton & Hove Waste Local Plan (WLP) is part of the development plan and provides policy for making decisions on the management of waste and judging the acceptability of planning applications for waste facilities. The WLP was adopted in February 2006.
- 3.2 Saving the policies in the WLP will ensure that they continue to form part of the framework to judge future applications for planning permission for waste developments in the City. A schedule detailing the justification for saving the policies is included in the appendix to this report.

- 3.3 The necessary application to save the policies has been made – jointly with East Sussex County Council - to Government and is pending confirmation. A report similar to this one has also been taken to the Lead Member for Transport and Environment at East Sussex County Council, and a decision was taken at Cabinet Member Meeting for Transport and Environment to approve the recommendation to save all policies in the WLP.

4. CONSULTATION

- 4.1 Saving of policies is not subject to public consultation.
- 4.2 In preparing the application to Government, officers from the Planning Strategy & Projects Group and at East Sussex County Council have been consulted.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There is little cost involved in applying to save policies in the WLP. There is budget provision for 2008/09 and 2009/10 for overall work on Waste and Minerals Development Framework.

Finance Officer Consulted: Patrick Rice

Date: 09/12/2008

Legal Implications:

- 5.2 The Planning and Compulsory Purchase Act 2004 introduced a new system of local planning policy documentation and formulation. However, the 2004 Act allowed for transitional provisions, including that policies in existing local plans be “saved” for a period of three years. However, as pointed out in paragraph 3.1 of the Report, local planning authorities may apply to the Secretary of State to extend this three year period. Saved policies will continue to be material to the determination of relevant planning applications.

Lawyer Consulted: Hilary Woodward

Date: 17/12/2008

Equalities Implications:

- 5.3 The Council has already adopted a Statement of Community Involvement, which encourages effective social inclusion for all groups to influence the policy making agenda.

Sustainability Implications:

- 5.4 Sustainability considerations are central to the new planning system. Each local development document in the emerging Waste and Minerals Development Framework will require an integrated sustainability appraisal.

Crime & Disorder Implications:

- 5.5 None identified.

Risk and Opportunity Management Implications:

- 5.6 The programme management of the WMDF includes risk management procedures. A dedicated risk log is maintained, regularly monitored and updated. If the WLP is not saved beyond February 2009 then the City Council will lack key policies for making decisions on the management of waste and judging the acceptability of planning applications for waste management facilities.

Corporate / Citywide Implications:

- 5.7 The WLP will assist delivery of a number of council and city-wide strategies, in particular relating to sustainable waste management and use of resources.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 If the WLP is not saved beyond February 2009 then the City Council will lack key policies for making decisions on the management of waste and judging the acceptability of planning applications for waste facilities.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The WLP provides the statutory decision making framework used to judge future applications for planning permission for waste developments in the City. Replacement policies will not be developed for some time, therefore, under the Planning & Compulsory Purchase Act (2004), the Council needs to apply to the Secretary of State for these policies to be saved beyond February 2009.

SUPPORTING DOCUMENTATION

Appendices:

1. Waste Local Plan policies to be saved

Documents In Members' Rooms

None

Background Documents

None

