

CHESHIRE EAST COUNCIL

REPORT TO: Environment and Prosperity Scrutiny Committee

Date of Meeting: 25th November 2009
Report of: John Knight, Head of Planning and Policy
Subject/Title: Cheshire Replacement Waste Local Plan – Saved Policies

1.0 Report Summary

- 1.1** All policies contained within local plans were saved for a period of three years following their adoption by virtue of the Planning and Compulsory Purchase Act 2004. The Cheshire Replacement Waste Local Plan (CRWLP) was adopted on July 12th 2007, and as such its policies were saved until July 11th 2010. This report sets out the Local Planning Authority's recommendations for saving the policies of the CRWLP beyond July 2010 thereby preventing a policy void and seeks Members approval of the proposed submission to the Secretary of State to request that the policies of the Plan are saved beyond the original 3 year period, until such time as they are replaced by future policy and Development Plan Documents, (Appendix 2, saved policy work). In preparing this document, officers have had regard to the Protocol Guidance issued by the Department for Communities and Local Government, which explains the criteria by which the Government will assess extension requests and to the content of PPS 12. This is the same technical and procedural exercise that has been undertaken to date on the constituent Borough Local Plan policies (Appendix ,1 process details).

2.0 Recommendations

- 2.1** That
- 1** That the Environment and Prosperity Scrutiny Committee endorses the recommendation to save all the policies of the Cheshire Replacement Waste Local Plan;
 - 2** That the Environment and Prosperity Scrutiny Committee recommends to the Portfolio Holder for Performance and Capacity to agree the submission of a request to "save" the policies of the Cheshire Replacement Waste Local Plan beyond July 2010 to the Secretary of State, and that the basis for the submission is as Appendix 2
 - 3** That due to the geographic nature of the document spanning two Authorities that the submission is a joint submission to the Secretary of State from Cheshire East and Cheshire West and Chester.
 - 4** That an urgent review of waste site allocations for Cheshire East be undertaken in 2010 and that a report setting out how such a review might be undertaken including timescales, resources and options be presented to the next meeting of the LDF Task Group.

3.0 Reasons for Recommendations

- 3.1** To comply with planning policy guidance and protocols to extend the

saved policy period for the policies of the Cheshire Replacement Waste Local Plan and to ensure policy base in order to determine planning applications and to ensure support for the Authorities corporate objective of Environmental Sustainability.

- 3.2 Background to recommendation, Council meetings - The Local Development Framework Task Group met to consider this report on the 19 October 2009. The decision was deferred to ensure that Councillor representation from the Crewe area could be obtained. A further meeting of the Task Group was held on 16th November 2009. It agreed the four recommendations as set out in Paragraph 2.1 above. A similar report to this was considered by Cheshire West and Chester Councils Local Development Framework Panel on the 19 October, the draft recommendation is identified below. A report is now to be considered by their Executive and Council in December.

- (1) subject to Cheshire West and Chester Council and Cheshire East Council being in agreement that no changes are to be made to the saved policies of the Cheshire Replacement Waste Local Plan, Council be recommended to endorse the submission entitled 'Assessment of the Cheshire Replacement Waste Local Plan 2007 saved policies against the requirements of 'PPS12 – Local Development Frameworks' & DCLG Protocol'.
- (2) in the event that Cheshire East Council decides to make changes to the saved policies of the Cheshire Replacement Waste Local Plan, then the Local Development Framework Panel be given the opportunity to review its recommendation.

4.0 Wards Affected

- 4.1 The Cheshire Replacement Waste Local Plan geographically covers all wards within the Borough.

5.0 Local Ward Members

- 5.1 All members.

6.0 Policy Implications including

- 6.1 The CRWLP provides planning policies for waste management and for determining applications for the development of waste treatment and disposal facilities within the former County area of Cheshire, including Cheshire East. The Plans overall aim is to provide a land use policy framework for sustainable waste management, having regard to the waste hierarchy. Achieving the sustainable management of waste resources includes increasing recycling and composting; reducing the amount of waste sent to landfill and reducing waste growth. It is acknowledged that this issue is closely linked to responding to the challenge of climate change which includes supporting the increased use of alternative fuels supplies and renewable energy and reducing the amount of waste we produce and improve re-use and recycling.

- 6.2 Cheshire East's Interim Sustainable Community Strategy identifies the current priorities and targets of the Sustainable Community Strategies for the former authorities who now make up Cheshire East. This list includes achieving sustainable management of waste resources and responding to the challenge of climate change. The CRWLP is considered to support the key priorities of the Interim Sustainable Community Strategies and complements and fits within the framework of these strategies.
- 6.3 The policies within the Plan provide the basis for assessing any planning application and look to ensure the evaluation of the development and its likely impacts and the measures to manage these. Aspects to be considered include human health, dust, litter and fly tipping; noise; and air pollution.

7.0 Financial Implications for Transition Costs

- 7.1 None

8.0 Financial Implications 2009/10 and beyond

- 8.1 None

9.0 Legal Implications

- 9.1 The Cheshire Replacement Waste Local Plan currently meets the Authority's requirement to produce detailed policies in respect of suitable sites or installations for waste management purposes under the Waste Management Licensing Regulations 1994 and to have regard to the waste hierarchy as part of the plan making process under the Environmental Permitting Regulations 2007. The plan therefore is considered to meet the authority's contribution to implementing the EU Waste Framework Directive. The management and delivery of waste management is a high priority for the Government and the Government Office for the North West has advised that one of the key areas that the Secretary of State will have particular regard to in making any direction for saved policies will be policies for waste management, including unimplemented site allocations.
- 9.2 Cheshire East have a statutory requirement to have planning policy in place for waste management in the form of a waste management plan.
- 9.3 The Cheshire Replacement Waste Local Plan was adopted under the transitional arrangements for the preparation of planning policy associated with the Planning and Compulsory Purchase Act 2004. Once adopted these policies were automatically saved for three years from the date of adoption. This applied to the Cheshire Replacement Waste Local Plan, which was automatically saved for three years from its adoption on 12th July 2007. This period comes to an end on 11th July 2010.
- 9.4 Where a Local Authority wishes to retain policies beyond the expiry of the three year period, they need to seek the Secretary of State's agreement to issue a direction in this effect. Local Planning Authorities are required to write to the Government Office six months before the expiration of the 3 year period to request such a direction and will need

to demonstrate that the policies they wish to be saved reflect the principles of the local development framework and are consistent with current national policy.

- 9.5 In preparing this document, officers have had regard to the Protocol Guidance issued by the Department for Communities and Local Government, which explains the criteria by which the Government will assess extension requests and to the content of PPS 12. This is the same technical and procedural exercise that has been undertaken to date on the constituent Borough Local Plan policies (Appendix 1 process details).

10.0 Risk Management

- 10.1 The Cheshire Replacement Waste Local Plan already forms part of the Development Plan for Cheshire East and is a key planning policy document for the Authority in the determination of planning applications for waste development. The policies within the Plan provide a detailed policy base for decision making on waste management issues within the Authority area. The policies provided within the plan are specialist policies which are not replicated elsewhere.
- 10.2 If the policies of the Cheshire Replacement Waste Local Plan are not saved beyond July 2010 then there would be a planning policy void in relation to the delivery of sustainable waste management and the provision of waste management facilities in appropriate locations.
- 10.2 The Local Development Scheme for the Authority which was adopted in February 2009 identifies planning policy document production and priorities over a three year period. The Core Strategy has priority and must be prepared first followed by other Development Plan Documents. It is suggested that a Waste Development Plan document could be prepared by the Council which will be reflected in any revision to the adopted Local Development Scheme. This would replace the existing CRWLP. In the interim however it is important that a policy framework is maintained and that policy base retained.
- 10.3 A further risk relates to inconsistency in the approach to extending the saved policies of the Cheshire Replacement Waste Local Plan by Cheshire East and Cheshire West and Chester and a failure to submit a request to save the policies in the Plan. If this occurs there is a risk that the Secretary of State may intervene and issues a direction to extend the policies in the plan anyway in particular if the policies are considered necessary to delivery national planning policy. Similar reports are being prepared and presented to both Cheshire East and Cheshire West and Chester to try and reduce this risk.

11.0 Background and Option

- 11.1 The Cheshire Replacement Waste Local Plan is the adopted Local Plan for Cheshire (covering both Cheshire East and Cheshire West and Chester). It deals specifically with policy for waste development. The policies of the Plan form part of the development plan for both Cheshire

East and Cheshire West and Chester. The Plan was adopted prior to Local Government Reorganisation by Cheshire County Council and it was envisaged that the Plan had a ten year life expectancy, covering the period 2007-2017, in other circumstances the Plan would have a further 7 years life.

- 11.2 Given the geographical coverage of the Plan and its current status as the adopted Development Plan for both Cheshire East and Cheshire West and Chester it is proposed that a joint submission is made to the Secretary of State via Government Office for the North West. This is to ensure that there is consistency in the approach to extending the saved period of the policies of the Cheshire Replacement Waste Local Plan and that both Authorities continue to have the same set of policies in existence. Cheshire West and Chester is considering a similar report to this.
- 11.3 The Plans policies are unique and very specific, in that they are used to determine planning applications for waste development. The plan sits alongside the other local plans that make up the development plan for the Borough of Chester East and Cheshire West and Chester. It does not repeat nation or regional policy but provides further more local guidance and information. In many cases the policy provides a level of detail that is specific to Cheshire and to waste management that cannot be provided by any other documents.
- 11.4 There are 36 policies within the Cheshire Replacement Waste Local Plan. These policies set the strategic context for waste development across Cheshire including on Sustainable Waste Management, the need for waste management facilities and the identification of preferred sites for waste management facilities. It also includes a suite of development control policies which are material considerations for waste planning applications and policies relating to specific types of waste management for example landfill / landraise, energy recovery and composting.
- 11.5 Following a policy analysis of CRWLP on waste management applications determined by the County Council and its successor Authorities, it can be shown that 33 of the policies (92%) have been used in the decision making process in the first 2 ½ years of the Plans life. Of the remaining three policies, two have not been used, both are locationally specific and have not been required to be used, but are still relevant; they relate to the Jodrell Bank safeguarding area; and underground hazardous waste storage. The third policy relates to development and waste recycling. The policy is applicable to non waste development and has been designed to be utilised in the determination of applications for general development, such as housing, retail and leisure. Prior to Local Government Reorganisation this meant all planning applications determined by District Councils. Planning Officers are aware that the policy has been used throughout the former Authorities, both in pre applications discussions and in the determination of applications. No formal data has been collected from the District Authorities. The policy provides the ability to deliver sustainable waste management through all types of development and as such is still highly relevant.

- 11.6 Further analysis of the policies against the PPS 12 criteria indicates that the policies are all still relevant and up to date and provide Cheshire, both East & West with a robust policy framework within which to make planning decisions. They are in conformity with the adopted Regional Spatial Strategy and it supports the interim Sustainable Community Strategies of the Authorities with respect to sustainable waste management and challenges relating to climate change.
- 11.7 An intrinsic part of the CRWLP is contained within the inset maps which identify "Preferred sites" for waste management facilities, both built and landfill / landraise (policies 4 and 9). These 'Preferred Sites' are considered suitable 'in principle' for the development of waste management facilities. These policies provide the geographic spread of facilities and it provides the Authorities ability to meet the requirements to produce detailed policies in respect of suitable sites or installations for waste management purposes under the Waste Management Licensing Regulations 1994. The Government Office for the North West has advised that The Secretary of State in coming to a decision on whether a direction is appropriate, will have particular regard to policies for waste management, including unimplemented site allocations. The Secretary of State considers that it is important that such policies remain part of the development plan for the local planning authority area. The powers of direction relates to saving policies and not parts of policies, that is to say all allocations associated with for example policy 4, rather than some allocations. In paragraph 10.2 it is identified that the Council will have an opportunity to replace policies through the production of development plan documents, which will require putting together the necessary evidence base to support your Councils aspirations. The CRWLP is an interim document which provides a necessary policy framework for decision making.
- 11.8 The work is required to be submitted by 11th January 2010. The Secretary of State will then have 6 months to consider the submission. Failure to submit could leave a planning policy void for waste management although the Secretary of State could issue a direction to extend the policies without a formal request from the Local Authority if they feel it is necessary to secure the delivery of the national planning policy.

12.0 Overview of Year One and Term One Issues

- 12.1 The document forms part of the statutory development plan, and will provide guidance for the development of waste management facilities within the Borough, until such time as the document and its policies are replaced.

13.0 Access to Information

The background papers relating to this report can be inspected at Westfields, Sandbach and by contacting the report writer:

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Appendix 1

Procedure for reviewing and agreeing extension to saved local plan policies. (Taken from PPS 12 and DCLG protocol (August 2006))

The Government will take the following issues into account in considering extensions to local plan and UDP saved policies.

PPS12 paragraph 5.15 says that policies to be extended should comply with the following criteria:

- (i) Where appropriate, there is a clear central strategy;
- (ii) Policies have regard to the Community Strategy for the area;
- (iii) Policies are in general conformity with the regional spatial strategy or spatial development strategy;
- (iv) Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);
- (v) There are effective policies for any parts of the authority's area where significant change in the use or development of land or conservation of the area is envisaged; and
- (vi) Policies are necessary and do not merely repeat national or regional policy.

In addition, the Government will also have particular regard to:

- Policies that support the delivery of housing, including unimplemented site allocations, up to date affordable housing policies, policies relating to the infrastructure necessary to support housing;
- Policies on Green Belt general extent in structure plans and detailed boundaries in local plans/UDPs;
- Policies that support economic development and regeneration, including policies for retailing and town centres;
- Policies for waste management, including unimplemented site allocations;
- Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources

Appendix 2

Cheshire West and Chester Council

Cheshire East Council

**Assessment of the Cheshire
Replacement Waste Local Plan 2007
saved policies against the requirements
of 'PPS12 – Local Development
Frameworks' & DCLG August 2006
Protocol**

Introduction

1. This document has been written in accordance with the requirements of Planning Policy Statement 12: Local Spatial Planning and the Department for Communities and Local Government Protocol 2006 for saving adopted Local Plan policies beyond the 3 year saved period.
2. Under the provisions of the Planning and Compulsory Purchase Act 2004 the policies of the Cheshire Replacement Waste Local Plan 2007 (CRWLP) were saved for a period of three years from the date of adoption on 12th July 2007 to 11th July 2010.
3. The CRWLP covers the former administrative area of Cheshire County Council and following Local Government Reorganisation in April 2009 is part of the development plan for both the Borough of Cheshire West and Chester and the Borough of Cheshire East.
4. Neither of the two Boroughs have any plans to replace the CRWLP within their current adopted Local Development Schemes. It will therefore be imperative to save CRWLP policy beyond the initial three year period, i.e. beyond July 2010, until such time as it is replaced by future policy.
5. This report is a request by both Cheshire West and Chester and Cheshire East to extend the policies of the CRWLP beyond July 2010. It has been prepared on behalf of both Cheshire West and Chester and Cheshire East. Both Authorities have considered the issues of saved policies through their respective Councils. Both support the recommendation that all policies of the plan be saved.

Background

6. PPS12 states in the circumstances where local authorities wish to continue with the saved policies beyond the three year period (i.e. for the CRWLP beyond July 2010) they should demonstrate to the Secretary of State that these policies reflect the principles of Local Development Frameworks and are consistent with current national policy.
7. PPS12 states in paragraph 9.2 of PPS12 that the following issues will be taken into account in considering extensions to Local Plan policies:
 - where appropriate, there is a clear central strategy;
 - policies have regard to any sustainable community strategy for the area;
 - policies are in general conformity with the regional spatial strategy or spatial development strategy;
 - policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);
 - there are effective policies for any parts of the authority's area where significant change in the use of development of land or conservation of the area is envisaged; and

- policies are necessary and do not repeat national or regional policy.
8. In addition it states that the Government will have particular regard to:
- policies that support the delivery of housing, including unimplemented site allocations, up-to-date affordable housing policies and policies relating to the infrastructure necessary to support housing;
 - policies on Green Belt general extent in structure plans and detailed boundaries in local plans or unitary development plans;
 - policies that support economic development and regeneration, including
 - policies for retailing and town centres;
 - policies for waste management, including unimplemented site allocations; and
 - policies that promote renewable energy, reduce impact on climate change or safeguard water resources.
9. This report includes an assessment of the policies of the CRWLP against the criteria outlined above. Appendix 2 includes a table which lists those policies that Cheshire West and Chester and Cheshire East wish to save beyond the original 3 year period, and provides the reasoned justification for this.

Assessment Criteria

10. The following comments provide an explanation of how the policies have been assessed against the Government's criteria.

Criteria I : Where appropriate, there is a clear, central strategy

11. The CRWLP 2007 contains a clear strategy with the overall aim:

'To provide a land use planning policy framework for sustainable waste management in Cheshire, having regard to the waste hierarchy, the management and disposal of waste at the nearest appropriate facility, regional self sufficiency and the guiding principles of sustainable development'.

12. The strategy of the CRWLP is an integral part of the development plan for the Borough's of Cheshire West and Chester and Cheshire East. The policies are unique in that they are used to determine planning applications for waste development and identify sites which are considered 'in principle' suitable for a waste management use. The plan sits alongside the other Local Plans that make up the development plan for the Boroughs of Cheshire West and Chester and Cheshire East.
13. The strategy of the CRWLP is an important part of the central strategy for the Borough's of Cheshire West and Chester and

Cheshire East. It supports the priorities of the following key strategies of these authorities:

- Cheshire West and Chester Corporate Plan 2009-2011: Making It Happen and associated Directorate Plans
- Cheshire East Corporate Plan 2009-2010: Improving Services Together
- An Interim Sustainable Community Strategy for Cheshire West and Chester, November 2008 (see criteria ii below)
- Consolidated (Interim) Sustainable Community Strategy for Cheshire East, August 2008 (see criteria ii below)
- The Cheshire Consolidated Joint Municipal Waste Management Strategy 2007 to 2020.

14. At the higher level the strategy of the CRWLP is also in accordance with and supports the policies and overall strategy of the North West Plan: Regional Spatial Strategy to 2021. This is discussed in more detail under criteria iii below. It is also in accordance with the overall objective of Planning Policy Statement 10 which is to protect human health and the environment by producing less waste and using it as a resource wherever possible. The CRWLP is also considered to contribute to meeting the requirements of Articles 4, 16 and 28 of Waste Framework Directive 2008/98/EC¹.

Criteria II : Policies have regard to the Community Strategy for the area

15. Following Local Government Reorganisation both Cheshire West and Chester and Cheshire East have in place interim Sustainable Community Strategies. These bring together the key priorities of the Community Strategies of the former Districts in their area and the former County Council's Community Strategy. Preparation of new Sustainable Community Strategies for both Borough's is currently underway. The CRWLP 2007 has been assessed against both interim Sustainable Community Strategy's.

16. Cheshire West and Chester's Interim Sustainable Community Strategy identifies the themes of Environmental Quality; Natural Resources; Landscape and Biodiversity and Built Environment and Heritage as four of the interim priorities and aspirations for the area. Also of importance are the priority themes contained in the Cheshire Local Area Agreement which includes among others achieving sustainable management of waste resources and responding to the challenge of climate change.

17. Cheshire East's Interim Sustainable Community Strategy identifies the current priorities and targets of the Sustainable Community Strategies for the former authorities who now make up Cheshire East. This list includes achieving sustainable management of waste resources and responding to the challenge

¹ Previously Articles 3(1) and 7 of EU Waste Directive Framework 2006/12/EC

of climate change. As regards achieving the sustainable management of waste resources the priorities for action identified include increasing recycling and composting; reducing the amount of waste sent to landfill and reducing waste growth. It is acknowledged that this issue is closely linked to responding to the challenge of climate change which includes the priority actions of supporting the increased use of alternative fuels supplies and renewable energy and reducing the amount of waste we produce and improve re-use and recycling.

18. The CRWLP is considered to support the key priorities of the Interim Sustainable Community Strategies and complements and fits within the framework of these strategies.

Criteria III : The policies are in general conformity with Regional Spatial Strategy

19. The policies of the CRWLP 2007 have been assessed against the requirements of the adopted Regional Spatial Strategy (RSS) – the North West Plan – Regional Spatial Strategy to 2021. All policies within the CRWLP are considered to be in conformity with the RSS.

20. An assessment was carried out of each of the CRWLP policies against each of the RSS Policies. In particular the CRWLP policies supports the following policies in the RSS: DP1; DP2; DP4; DP5; DP7; DP9; RT4; RT5; RT6; EM1; EM5; EM9; EM10; EM11; EM12 and EM13; EM15 and EM17.

Criteria IV: The policies are in conformity with Core Strategy (DPD) where adopted

21. No Core Strategy (DPD) within either Cheshire West and Chester or Cheshire East's Local Development Frameworks has been adopted; therefore this test is not applicable.

Criteria V: There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged

22. The CRWLP 2007 provides policies which can influence areas where significant change is envisaged. This includes providing a network of Waste Management Sites and the development of new types of waste management facility such as Anaerobic Digestion, Mechanical Biological Treatment and Energy from Waste plants to deliver sustainable waste management. These will include private facilities and those developed by or on behalf of the Unitary Authorities to meet their responsibilities for managing municipal waste.

23. The CRWLP supports the Cheshire Consolidated Joint Municipal Waste Strategy and the Cheshire Waste Private Finance Initiative

(PFI). The Waste PFI will deliver new facilities for the management of Cheshire's household waste and is being carried forward in partnership by Cheshire West and Chester and Cheshire East following Local Government Reorganisation.

24. The policies are required to determine forthcoming planning applications for all new waste development. There are major changes and pressures taking place within waste management, the industry, collection and reuse of waste and technologies utilised, which can result in significant change in the use of land and/or proposals which adopt new types of technology which require specific planning policy considerations. The existing policies in the CRWLP play a vital part in ensuring that any proposals contribute to the overall objective of sustainable waste management. It also ensures that the impacts of the development proposals are robustly tested to ensure that they would result in a minimal adverse environment, social and economic impacts.
25. The retention of the existing policy framework is considered essential to secure the proper planning of the areas until such time as it is replaced by future Development Plan Documents.

Criteria VI: The policies are necessary and do not merely repeat national or regional policy

26. The policies of the CRWLP 2007 have been assessed not only for their compliance with national and regional policy, but also to determine whether they provide further guidance and information that is not given by national and regional policy. In many cases the policies of the Waste Local Plan provide a level of detail that is specific to Cheshire and to waste management that is not provided for by any other documents.
27. This includes the site allocations which identify potential future areas for waste development within Cheshire, and policies relating to Jodrell Bank, Areas of Special County Value etc. The generic policies within the CRWLP 2007 are more detailed than those found in regional and national guidance, and provide criteria for assessing applications. This level of detail within a policy is necessary as it ensures that decision making is robust.
28. An initial analysis of policy use through the development control system either through reports to committee and/or noted on decision notices and appeal/Secretary of State decisions has revealed that 33 policies out of the 36 (92%) have been used throughout the Plan's life so far to end August 2009. The policies that have been used are shown at appendix 1.
29. The figure however does not truly reflect policy implementation. Two of the policies in the CRWLP have not been used as no applications have been received to which they would apply. The policies are either locationally specific e.g. Policy 21: Jodrell

Bank only applies to applications received within the Jodrell Bank Zone or waste specific as in Policy 35 which relates to underground hazardous waste storage/containment. Although these policies have not been used thus far they are still relevant as applications may be received in the future to which these policies apply and they are locally distinctive to circumstances that may arise in Cheshire.

30. Some policies are also applicable to non waste development including Policy 10: Minimising Waste During Construction and Development and Policy 11: Development and Waste Recycling. These are designed to be used in the determination of applications for general development. Prior to Local Government Reorganisation this included those applications determined by District Councils. It is considered beyond the scope of this exercise to review all applications determined by the District and new Unitary Authority to which policies 10 and 11 applied in order to assess its usage. Policy 10 has conclusive evidence of use. However, with policy 11, waste planning officers are aware that the policy has been used in determining planning applications for non waste development. The value of both of these policies is that they widen the objective of delivering sustainable waste management through all types of development. Therefore they are still relevant policies.

Conclusion

31. In Conclusion, all the policies that both Cheshire West and Chester and Cheshire East are requesting to be saved are in compliance with the criteria set out within the Secretary of State's protocol, in that the policies

- Are considered to provide a clear central strategy for the management of waste within Cheshire West and Chester and Cheshire East;
- They have regard to the emerging Sustainable Community Strategies for the Boroughs and help in implementing their sustainable waste management and climate change agendas;
- Provide effective and robust policies for those areas of the Borough where significant change is anticipated and the policies provide for a level of detail that is specific to Cheshire and to waste management that is not provided for by any other documents.
- They do not therefore merely repeat national or regional policy;
- They clearly relate to infrastructure necessary to support housing;
- They provide waste management guidance and site allocations;
- And they promote renewable energy; reduce the impact on climate change and safeguard water resources.

32. The Councils therefore request that the Secretary of State:

- **Save the policies identified in Appendix B beyond the original three year period.**

Appendix 2A

List of Cheshire Replacement Waste Local Plan 2007 policies that have been used for development control purposes

Policy No	Policy title	Used ✓ Not used ✗	Policy No	Policy title	Used ✓ Not used ✗
1	Sustainable Waste Management	✓	19	Agricultural land quality	✓
2	The need for waste management facilities	✓	20	Public Rights of Way	✓
3	Phasing of sites for landfill/landraise or thermal treatment	✓	21	Jodrell Bank	✗
4	Preferred sites for waste management	✓	22	Aircraft Safety	✓
5	Other sites for waste management facilities	✓	23	Noise	✓
6	Built waste management facilities of a regional/national scale	✓	24	Air Pollution: Air emissions including dust	✓
7	Sites for open windrow composting facilities	✓	25	Litter	✓
8	Wastewater treatment works	✓	26	Air Pollution: Odour	✓
9	Preferred sites for non-hazardous landfill	✓	27	Sustainable Transportation of waste and waste derived materials	✓
10	Minimising waste during construction and development	✓	28	Highways	✓
11	Development and waste recycling	✗	29	Hours of Operation	✓
12	Impact of development proposals	✓	30	Hours of Operation for Household Waste Recycling Centres	✓
13	Areas of Special County Value	✓	31	Ancillary development at a Landfill/Landraise site and/or open windrow composting site	✓
14	Landscape	✓	32	Reclamation	✓
15	Green Belt	✓	33	Liaison Committees	✓
16	Historic Environment	✓	34	Energy Recovery	✓
17	Natural Environment	✓	35	Underground hazardous Waste Storage/Containment	✗
18	Water resource, protection and flood risk	✓	36	Design	✓

Appendix 2B

Policies Requested to be Saved

Policy		Government Criteria:						Government will have regard to:					Comment/Justification	Recommendation
		i: where appropriate there is a clear central strategy	li: regard to Sustainable Community Strategy	lii: Policy is in general conformity with RSS	iv: Policy is in conformity with core strategy DPD (if adopted)	v: Policy for areas where significant change in the use or development of land or conservation of the area is envisaged	vi: policies are necessary and do not repeat national policy	Policy supports the delivery of housing	Policies on Green Belt general extent and detailed boundaries	Policies that support economic development and regeneration	Policies for Waste management including unimplemented site allocations	Policies that promote renewable energy, reduce impact on climate change or safeguard water resources		
1	Sustainable Waste Management	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	✓	This policy provides the overarching framework for the delivery of sustainable waste management at the local level to support regional and national policy.	Save
2	The need for waste management facilities	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	This policy seeks to balance need to provide a range of waste management facilities to meet waste generated whilst balancing the environmental impacts of these facilities. It is an important policy for development control purposes to ensure sustainable waste management is delivered.	Save

3	Phasing of sites for landfill/landraise or thermal treatment	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	This policy ensures there is the sufficient and timely provision of landfill/landraise and thermal treatment capacity to meet the needs of Cheshire. In particular for landfill/landraise it is a means to ensure that there is not oversupply of landfill/landraise void space which could be a disincentive to the development of new waste management facilities to support the waste hierarchy and to reduce the reliance on landfill.	Save
4	Preferred sites for waste management	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	✓	This policy and 23 inset maps of the CRWLP identify the preferred sites for built waste management in Cheshire. The policy provides the spatial guidance for new developments. The policy provides the public and the waste management industry with sites where waste management uses would be acceptable. It is a crucial policy in ensuring Cheshire has flexibility and choice of future sites for waste management. It provides the Authorities ability to meet the requirements to produce detailed policies in respect of suitable sites or installations for waste management purposes under the Waste Management Licensing Regulations 1994 and to have regard to the waste hierarchy as part of the plan making process under the	Save

													Environmental Permitting Regulations 2007; authority's contribution to implementing the EU Waste Framework Directive; meeting the interim Sustainable Community Strategy. While some of the allocations have been granted permission, not all have been developed and there remains the ability for future alterations and revisions to be requested. The policy and its accompanying inset plans are crucial in providing the framework for decision making for future waste management facilities.	
5	Other sites for waste management facilities	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	This is a criteria based policy which provides the basis for considering development proposals for a waste management facility not on a site identified as a preferred area under policy 4. Whilst it is considered the preferred sites provide an adequate choice of sites policy 5 is important to provide flexibility to respond to legislative and technological changes and to provide choice if the preferred sites are unsuitable, unavailable or less acceptable.	Save
6	Built waste management facilities of a regional/ national scale	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The strategy of CRWLP is to provide adequate sites to meet the waste management needs of Cheshire. However, this does preclude applications being made for facilities that are of a national/regional scale. Policy 6 provides that basis against	Save

													which such proposals will be considered. The policy supports policies EM10; EM12 and EM13 of the North West of England Plan (Regional Spatial Strategy to 2021).	
7	Sites for open windrow composting facilities	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	This policy provides specific guidance for development control purposes in determining applications for open windrow composting sites not identified on the proposals maps. The policy is specific to open windrow composting and takes into account the unique nature of such development.	Save
8	Wastewater treatment works	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	This policy provides the basis for development control officers if a proposal for a new or extended waste water treatment works is proposed. It is consistent with the indications that no new waste water treatment works are likely to be required during the plan period.	Save
9	Preferred sites for non-hazardous landfill	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	This policy and 3 inset maps of the CRWLP identify the preferred sites for new landfill/landraise in Cheshire. The policy provides the public and the waste management industry with sites where proposals for landfill/landraise operations would be considered acceptable. It is a crucial policy in ensuring Cheshire has flexibility and choice of future sites for waste management. Refer to commentary on policy 4, relevant to this policy also.	Save

10	Minimising waste during construction and development	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	✓	This policy is applicable to proposals for significant development (not just waste development). It is an important development control policy for assisting in the delivery of the waste hierarchy and for ensuring the sustainable and prudent use of resources in new development.	Save
11	Development and waste recycling	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	✓	This policy is applicable to proposals for significant development (not just waste development). It is an important development control policy for assisting in the delivery of the waste hierarchy through the provision of recycling and collection of recyclable materials in the design of new development.	Save
12	Impact of development proposals	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	As waste management facilities have the potential to impact positively and negatively. This policy is specific to waste development, applicants are required to provide an assessment of the short, medium and long term as well cumulative impacts of the proposal and the measures to manage these.	Save
13	Areas of Special County Value	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	Areas of Special County Value are identified in the former District Local Plans in Cheshire. The ASCV's are an important local interpretation of national and regional policy. This policy is important for protecting these landscape designations from unacceptable impacts.	Save

14	Landscape	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	This policy provides development control guidance to ensure that there are no unacceptable impacts of proposals on the landscape of the area.	Save
15	Green Belt	✓	✓	✓	N/A	✓	✓	N/A	✓	N/A	✓	N/A	This policy is necessary to protect the Green Belt from inappropriate development and to provide guidance on waste development in the Green Belt. It is consistent with national guidance.	Save
16	Historic Environment	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It is necessary to continue to protect and enhance the historic environment.	Save
17	Natural Environment	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It is necessary to continue to protect and enhance the natural environment.	Save
18	Water resource, protection and flood risk	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	✓	The policy is necessary for development control purposes. It protects water resources and new development against flood risk as required by PPS25 Development and Flood Risk.	Save
19	Agricultural land quality	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It protects against the loss of the best and most versatile agricultural land.	Save
20	Public Rights of Way	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It provides the policy for dealing with applications that may affect a public right way to ensure that there are no unacceptable impacts or net loss of	Save

													Public Rights of Way.	
21	Jodrell Bank	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary to safeguard the efficient operation of the radio telescope at Jodrell Bank in line with the Town and County Planning (Jodrell Bank Radio Telescope) Direction 1973.	Save
22	Aircraft Safety	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary to protect aircraft safety. Particularly given the bird strike risk associated with some open waste management facilities such as landfill/landraise.	Save
23	Noise	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It provides a unique policy on how to control noise emissions from waste developments. It is important for protecting the amenity of those living and working near a site.	Save
24	Air Pollution: Air emissions including dust	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It provides a unique policy on how to control air emissions and dust from waste developments. It is important for protecting the amenity of those living and working near a site.	Save
25	Litter	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It provides a unique policy on how to control litter from waste developments. It is important for protecting the amenity of those living and working near a site.	Save

26	Air Pollution: Odour	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It provides a unique policy on how to control odour from waste developments. It is important for protecting the amenity of those living and working near a site.	Save
27	Sustainable Transportation of waste and waste derived materials	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	✓	This policy forms part of the overall strategy of the CRWLP by encouraging waste to be transported by the most sustainable means as an alternative to road transport. This supports EM12 of the North West of England Plan (Regional Spatial Strategy to 2021).	Save
28	Highways	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It provides a unique policy on how to consider impacts on the highways network of waste developments. It is important for protecting the amenity of those living and working near a site.	Save
29	Hours of Operation	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It sets out how the hours of operation for waste management sites should be managed and against which proposals will be assessed.	Save
30	Hours of Operation for Household Waste Recycling Centres	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It recognises the unique requirement for the opening hours of Household Waste Recycling Centres. It sets out how the hours of operation for these	Save

													sites should be managed and against which proposals will be assessed.	
31	Ancillary development at a Landfill/ Landraise site and/or open windrow composting site	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It covers ancillary development at non built waste management sites during operation and afterwards. It specifies how ancillary development will be assessed.	Save
32	Reclamation	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	The policy is necessary for development control purposes. It covers both built and non permanent built waste management sites to ensure that once operations have been completed the site is reclaimed and restored to the required standard.	Save
33	Liaison Committees	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	This is a key development control policy which allows the planning authority to require an applicant to set up a liaison committee via planning condition. Liaison committees a useful tool to build relationships between local communities and waste management operator as a forum to discuss site operations, future proposals and local concerns regarding a site.	Save
34	Energy Recovery	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	✓	This policy ensures that all proposals for thermal treatment of waste includes energy recovery and uses	Save

													pre treated waste. This ensures that thermal capacity is consistent with the waste hierarchy and national policy. The policy also seeks the recovery of landfill gas so that this energy source is not lost.	
35	Underground Hazardous Waste Storage/ Containment	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	✓	N/A	A specific policy relating to the use of the large underground voids created as a result of the extraction of rock salt for the storage of hazardous waste. One facility already exists in Cheshire (Minosus at the Winsford Rock Salt Mine). This is a policy for a very specific type of development which is important for development control purposes should further applications for the underground storage of hazardous waste be received.	Save
36	Design	✓	✓	✓	N/A	✓	✓	N/A	N/A	✓	✓	N/A	This policy is necessary for development control purposes. It seeks to ensure that built waste management facilities are of a high quality to aid their integration into the townscape/landscape, maximise functionality and reduce impacts. This is a key policy to changing the perception of waste management facilities and their acceptance by local communities.	Save