

Main Matter 1: Legal Issues

A. Has the DPD been prepared in accordance with the current Local Development Schemes, including their timetables, content and timescale?

1. The Waste Plan has been prepared in accordance with the current LDS, including their timetables, content and timescale. The 10 LDS at the time of submission of the Waste Plan can be found in the Examination Library reference **LP033 – LP042**.
2. The LDS required updating in 2008 as a result of new Government guidance (PPS12) setting out amended policy on LDFs and the Local Development (Amendment) Regulations that came into force on 27th June 2008, which necessitated amendments to the project timetable. This is reflected in Waste Plan Joint Committee 27/11/08 Item 10 Plan Preparation Programme and meeting minutes (**CDC032** and **CDC033**).

B. Has the DPD been prepared in compliance with the adopted Statements of Community Involvement (SCI), allowing for effective engagement of all interested parties and meeting the minimum consultation requirements set out in the regulations?

3. The Waste Plan has been prepared in compliance with the adopted SCI, allowing for effective engagement of all interested parties and meeting the minimum consultation requirements set out in the regulations.
4. A Consultation Strategy (**CDC002**) was prepared to ensure conformity with the 10 District SCI (**LP023 – LP032**) and guide production of the Waste plan. The Strategy incorporates the Government's principles of front loading and continuous community involvement.
5. The Statement of Consultation (**SD006**) demonstrates how the Waste Plan has been prepared with the 10 District SCI and how there has been effective engagement of all interested parties. Appendix B of **SD006** lists the specific

consultees, general consultees and other consultation bodies consulted as part of preparation of the Waste Plan.

- C. Has the DPD been subject to Sustainability Appraisal, including a final report, where appropriate, on the published plan; and is it clear how the Sustainability Appraisal influenced the final plan and dealt with mitigation measures?**
6. The Waste Plan has been subject to Sustainability Appraisal which has informed the development of the Plan and a final report has been prepared.
 7. The following stages of Waste Plan preparation were subject to independent Sustainability Appraisal: Stage 1 Issues and Options (**CDC004**); Stage 2 Issues and Options Built Facilities (**CDC007**); Stage 2 Issues and Options Residual Waste Disposal (**CDC013**); Preferred Option (**CDC020**); and Publication (**CDC026**). The submitted Plan is accompanied by a final Sustainability Appraisal (**SD002**).
 8. Each site/area issued for consultation was subject to a detailed Sustainability Appraisal and awarded a banding from A-D, depending on the performance of the site/area in terms of sustainability. The results of this process were used to inform the selection of sites/areas, with the least sustainable sites/areas not being taken forward through the Waste Plan. The appraisal also indicates the potentially suitable waste uses on each site/area.
 9. Chapter 4 of the final Sustainability Appraisal Report (**SD002**) provides an overview of the Sustainability Appraisal of each Waste Plan Policy, the consideration of alternatives and how the Sustainability Appraisal has influenced the final Plan. Chapter 4 also sets out the revisions to policies between Preferred Option and Publication in light of recommendations made by the Sustainability Appraisal.
 10. Chapter 6 of the final Sustainability Appraisal Report (**SD002**) makes recommendations for mitigation that aim to improve the Waste Plan and its implementation. Recommendations were suggested for the supporting text of Policies 9 and 12. It was considered that Policy 9 already covers the issue of sustainability by encouraging developers to consider social, environmental and economic concerns as part of restoration and aftercare. It was not considered necessary to include the mitigation text suggested for Policy 12 because the

introduction (paragraphs 4.2 and 4.3) to 'Waste Plan Section 4: Development Management Policies' already sets out the requirement to use the Waste Plan in conjunction with other relevant policy.

D. Does the DPD have regard to national planning policy, and is there sufficient local justification for any policies that add nothing to, or are inconsistent with, national planning policy?

11. Yes, the plan has regard to and is in accordance with, national policy. Chapter 1 of the Submission Waste Plan (**SD001**) sets out the national context and how national policies have influenced the Waste Plan.

12. Responses to Questions 40 to 43 of the Soundness Self Assessment (**CEC001**) conclude that the Waste Plan complies with national policy.

E. Does the DPD comply with the Local Development Regulations (as amended), in terms of publishing and making available the prescribed documents?

12. The Waste Plan complies with the Local Development Regulations (as amended).

14. Responses to 'Stage 4 Questions 1 – 8' of the Legal Compliance checklist (**CDE002**) provide information on how the Waste Plan complies with Regulation 27 – Publication.

F. Does the DPD take account of other plans and strategies of the councils and other agencies, including the plans of adjoining local planning authorities?

15. Yes, questions 11, 12, 15, 23 and 32 of the soundness assessment (**CDE001**) expand on this.

16. During development of the plan, Officers from the 10 districts have been involved and this has ensured that the Waste Plan both informs and is informed by the district Core Strategies. Appendix B of the Statement of Consultation (**SD006**) sets out how neighbouring authorities were consulted as specific consultees during preparation of the Waste Plan.

17. Chapter 2 of the Sustainability Appraisal (**SD002**) explains the how a review of relevant plans and programmes provided guidance during the preparation of the Waste Plan. Section 5.17 – 5.21 of the Appropriate Assessment (**SD005**) considers the likely significant effects of other projects and plans.