



Report

4/494996

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# GM Waste Plan DPD

## Examination in Public – Main Matter 4: Site and Area Allocations (Policy 4 & Policy 5)

June 2011

**Ainscough** Strategic Land  
*Thoughtfully achieving potential*

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## 1. Introduction

- 1.1 The following Statement is prepared by GVA on behalf of Ainscough Strategic Land (ASL) in connection with the Public Examination of the Greater Manchester Waste DPD. The examination includes a series of hearings to be held over the period 28<sup>th</sup> June – 1<sup>st</sup> July. This paper is provided in response to Main Matter 4: Site and Area Allocations (Policies 4 and 5).
- 1.2 This Statement is provided alongside an accompanying statement which refers specifically to the issues affecting the Clifton Industrial Estate site (ref. SL2) and its designation under Policy 5. Both statements follow representations made by GVA, on the behalf of ASL, on 13<sup>th</sup> December 2010 (unique I.D. 494996). The representations considered a series of points relating to the Waste Plan and Clifton Industrial Estate. A summary of the representations and GMGU response was subsequently issued in a document titled, 'A summary of Publication Representations and GMGU responses (1<sup>st</sup> November – 13<sup>th</sup> December)', (hereafter 'GMGU Response Paper').
- 1.3 This Statement addresses Session 2 Matter 4, Site and Area Allocations which is to be held on Wednesday 29<sup>th</sup> June and is expected to address the following:
- *Whether there should be a sequential test of preferences: i.e. Sites, Areas, and then land unallocated but acceptable.'*
- 1.4 We would confirm, at the outset, that we support the equal treatment of sites and areas (policies 4 and 5) and that sites under policy 4 are not given sequential preference over areas under policy 5.
- 1.5 Our client, however, remains of the view that the Policies 4 and 5 should be given greater weight within the Waste Plan such that these are provided sequential preference over non-allocated sites (which are considered under Policy 10). This approach would be entirely consistent with the plan-led approach which is founded on an evidence base and subject to extensive consultation.
- 1.6 By providing equal opportunity for unallocated sites to be brought forward during the plan period, Policy 10 undermines Policy 4 and Policy 5 and does not provide sufficient certainty to landowners/developers or communities in understanding the likely location

and type of waste management facilities which could be permitted in specific areas of the conurbation.

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## 2. Assessment of Issues

### Should there be a sequential test of preferences: i.e. Sites, Areas and then land unallocated but acceptable?

#### National Policy Background

- 2.1 Policy 4 and 5 of the Waste Plan consider a range of appropriate waste management facilities at a series of 'sites' and 'site areas'. The policies are provided so that the Waste Plan can make sufficient '*provision for the waste management facilities to meet the capacity identified by the Plan*' (Waste Plan, page 55). The policies are in accord with the plan-led approach which is advocated in Planning Policy Statement 10, Planning for Sustainable Waste Management (PPS10).
- 2.2 PPS10 requires waste planning authorities to make 'planned provision of new capacity and its spatial distribution' (paragraph 4) and 'identify the type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area' (paragraph 18). This plan-led approach is further advocated within the PPS10 Companion Guide at paragraph 8.13.
- 2.3 PPS10 states that allocated sites that are not brought forward for development should be considered as part of a review and update of the Waste Plan which should be carried out every 5 years (paragraph 19).
- 2.4 The guidance also provides that waste planning authorities should determine planning applications at unallocated sites favourably where these are consistent with the policies within PPS10 and the waste planning authority's core strategy (PPS10, paragraph 24). In regard to the test of 'soundness' PPS12 requires Development Plan Documents to be sufficiently flexible so that they remain 'effective' and 'deliverable'.

#### GM Waste Plan

- 2.5 Policy 10 of the Waste Plan refers to unallocated sites and provides two criteria which must be met before planning permission for a waste use can be granted. These are that the proposal fits within the spatial strategy set out within the Waste Plan and contributes to its overall aim and objectives and that the proposal meets the same assessment criteria as allocated sites.
- 2.6 Our representations made in December 2010 suggested a third criteria is added to the policy as follows:

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*'iii. It has been demonstrated that no allocated sites and areas identified within the Waste Plan are available or suitable.'*

- 2.7 The basis on which this amendment is suggested is so as to afford a preferential allocation of sites and site areas under Policy 4 and Policy 5. We feel this would be a robust and proper approach given that the suitability of sites referred to in Policy 4 and Policy 5 have been thoroughly assessed through the Waste Plan evidence base. By not affording these any sequential weight there is the risk that the Policies would be undermined to such an extent that they would be worthless. Whilst it is recognised that 'windfall' sites have an important role to play in the delivery of waste management facilities across Greater Manchester we consider that the starting position should be to favour those sites identified within Policy 4 and Policy 5.
- 2.8 Indeed the selection of these sites has been transparent, been through proper consultation and has involved the detailed assessment of site constraints to inform a designation of waste management uses. This entire exercise would be undermined should Policy 10 allow for windfall sites to be brought forward without due regard to those sites which are designated under Policy 4 and Policy 5.
- 2.9 The GMGU Response Paper states that despite the number of 'call for sites' there is the prospect that windfall sites may emerge during the Plan period and these should be afforded sufficient opportunity to be brought forward providing they are aligned to general policy and objectives contained within the Waste Plan and PPS10. GMGU consider that the suggested amendment would be onerous for applications being brought forward on unallocated sites as these would have to consider and assess each of those sites referred to within the Waste Plan (at Policy 4 and Policy 5). GMGU conclude that the current wording of Policy 10 allows suitable flexibility allowing the Plan to respond to waste management requirements over time.
- 2.10 On behalf of ASL we remain of the strongly held view that Policy 10 wholly undermines the designation of sites and site areas under Policy 4 and Policy 5 and in the current format these policies do not provide sufficient certainty to developers or landowners wishing to take forward the allocated sites. Indeed, we are concerned of the prospect of windfall sites being brought through the planning system in the short term. The impact of this could see capacity requirements 'swallowed up' by unallocated sites and thereby undermining the deliverability of Policy 4 and Policy 5.
- 2.11 GMGU's concerns apparently lie with prospective applicants on unallocated sites and the additional workload they and the receiving local planning authority may face. This is not a reasonable basis on which to make such a conclusion. Such concern must be weighed against the scenario where landowners, promoters and communities have effectively engaged in a Plan preparation process, only to find that any site in any location in the Greater Manchester conurbation could be brought

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forward for waste management facilities without any consideration of those sites that have been through an extensive selection and testing process. And further, that those sites that have been through such a process, are rendered incapable of being brought forward for such uses as the capacity identified by the Plan has been satisfied by alternatives not previously considered by the Plan.

- 2.12 This, in our view, runs contrary to the spirit of a plan-led system and indeed the purposes of designating sites within the Waste Plan (notwithstanding that this is required by PPS10).
- 2.13 The change to Policy 10 as suggested above would allow sufficient flexibility for unallocated sites to contribute to the Waste Plan policies, thereby satisfying the policies of PPS10 and the 'effective' test of soundness, albeit with proper regard to those sites which have been assessed favourably under Policy 4 and Policy 5.
- 2.14 The GMGU Response Paper emphasises the need for flexibility to be able to respond to changing circumstances, particularly in light of the scale of the conurbation and the number of local planning authorities involved. Our suggested change would not alter this; unallocated sites could still be brought forward if properly justified. However, it would provide the necessary and warranted certainty that a development plan document is expected to provide.
- 2.15 We are aware that the Waste Plan for Cheshire includes a policy generally in line with our suggested approach, and points to the 'planning rationale' that the GMGU Response Paper suggests would be lacking. Policy 5 reads,

*'Applications for built waste management facilities, including extensions to existing facilities and open air waste management facilities (other than open windrow composting or wastewater treatment works), on sites not shown on the proposals map or for uses not identified on the relevant inset map will not be permitted unless it can be demonstrated that:*

- i.) the preferred sites are either no longer available or are less suitable for the proposed development*
- ii.) the proposal would meet a requirement not provided for by the preferred sites; and*
- iii.) the proposed sites are located according to the sequential approach to meeting development needs within Regional Spatial Strategy.'* (The Cheshire Replacement Waste Local Plan)

- 2.16 The Inspectors Report in to the public inquiry of the Plan concluded that it was,

*'quite reasonable to prioritise the sites so that the preferred areas which have passed through the assessment and selection processes are then given credit for having completed those tests successfully. The implication is that there would be less harm caused if the relevant waste management development occurred within the preferred areas compared to outside and so are more suitable. This would be logical'*

- 2.17 We fully concur with this position and urge that the GM Waste Plan is amended accordingly to afford proper weight to Policy 4 and Policy 5.



### 3. Conclusions and Suggested Change

- 3.1 By failing to include some sequential preference for the allocated sites and areas under Policies 4 and 5, over unallocated sites, we consider the Plan to be 'unsound'. Specifically, we consider that the inclusion of such a sequential preference would represent the most appropriate strategy when considered against reasonable alternatives.
- 3.2 The change we would request the Inspector to introduce would be to add a further requirement to Policy 10, as follows:

*'iii. It has been demonstrated that no allocated sites and areas identified within the Waste Plan are available or suitable.'*