



The Planning Inspectorate

Report to Bournemouth Borough Council, Dorset County Council and the Borough of Poole

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Bournemouth, Dorset and Poole Waste Plan

The Plan was submitted for examination on 28 March 2018

The examination hearings were held between 26 and 28 June 2018

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Abbreviations used in this report

AA	Appropriate Assessment
AD	Anaerobic digestion
AONB	Area of Outstanding Natural Beauty
C&I	Commercial and Industrial
CDE	Construction, Demolition and Excavation
DIP	Dorset Innovation Park
DtC	Duty to Co-operate
EA	Environment Agency
EDDC	East Dorset District Council
HE	Historic England
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
HRC	Household Recycling Centre
LACW	Local Authority Collected Waste
LDS	Local Development Scheme
LEFM	Local Economic Forecasting Model
MM	Main Modification
MRF	Materials Recycling Facility
MWDS	Minerals and Waste Development Scheme
NDA	Nuclear Decommissioning Agency
NDDC	North Dorset District Council
NE	Natural England
NPW	National Planning Policy for Waste
PDC	Purbeck District Council
RDF	Refuse Derived Fuel
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHMA	Strategic Housing Market Assessment
SRF	Solid Recovered Fuel
SSSI	Site of Special Scientific Interest
tpa	Tonnes per annum
WPA	Waste Planning Authority
WTS	Waste Transfer Station

Non-Technical Summary

This report concludes that the Bournemouth, Dorset and Poole Waste Plan provides an appropriate basis for waste planning in the Plan area, provided that a number of main modifications [MMs] are made to it. The Councils have specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

MMs were proposed by the Councils, and include matters that were discussed at the examination hearings. The Councils have carried out sustainability appraisal of those MMs. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended those MMs for inclusion in the Plan after considering all the representations made in response to consultation on them. I have also recommended further MMs for inclusion in the Plan. These make further detailed changes and do not affect the substance of the Plan.

The Main Modifications can be summarised as follows:

- The modifications allow for a full range of waste management processes on the sites allocated for residual waste processing and do not specify particular processes. Those processes can include recycling as well as recovery processes.
- The projected waste arisings figures have been updated using latest available data. Projected capacities for waste treatment have also been updated. Additional clarification has been provided in terms of permitted capacity for Materials Recycling Facilities (MRF).
- As permission has been granted for an extension to Gillingham Sewage Treatment Works this allocation has been deleted.
- Rather than allocating specific sites at Woolsbridge Industrial Estate, Three Legged Cross and Brickfields Business Park, Gillingham, areas of search have been identified. These areas of search cover the areas of the respective business parks that are allocated in Local Plans (**MM6.4** and **MM6.5**).
- The policy wording for the allocations and the development considerations for relevant allocated sites have been amended to reflect the findings of the Habitats Regulations Assessment (HRA).
- Text has been included to explain that while a site for a Household Recycling Centre (HRC) has been allocated at Loudsmill, there remains potential for an alternative site to be identified through the emerging West Dorset, Weymouth and Portland Local Plan.
- Detailed changes have been made to policy wording and supporting text regarding decommissioning and restoration at Winfrith.
- A number of policies have been modified to ensure they are in accordance with national policy. These include policies concerning landscape, flood risk, biodiversity, historic environment, airfield safeguarding and Green Belt.
- The modifications clarify that although agricultural waste that is re-used on farms does not fall under the revised Waste Framework Directive it is still classed as waste for the purposes of the Plan. A modification makes

provision for waste developments in agricultural settings in accordance with national policy.

- In general, policies and development considerations have been amended to provide clarity in order to make the Plan effective.

Introduction

1. This report contains my assessment of the Bournemouth, Dorset and Poole Waste Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It considers whether the requirements of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) are complied with. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised National Planning Policy Framework was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. I have examined the Plan against the 2012 Framework. Unless stated otherwise, references in this report are to the 2012 Framework. I have also examined the Plan against the National Planning Policy for Waste (NPW) (October 2014).
2. The starting point for the examination is the assumption that the local planning authorities have submitted what they consider to be a sound plan. The Bournemouth, Dorset and Poole Waste Plan, submitted in March 2018 is the basis for my examination. It is the same document as was published for consultation in December 2017.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Councils requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix. Modifications **MM AS1** etc relate to the allocated sites as shown on the Inset Maps.
4. The Councils prepared a Schedule of proposed modifications to the Plan following the initial consultation period and prior to the hearings. Further modifications were identified during the hearing sessions which were added to the Schedule following the hearings. The Councils carried out sustainability appraisal (SA) and Habitats Regulations Assessment (HRA) of the MMs. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

Policies Map

5. The Councils must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Councils are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Key Diagram, Submission Policies Map, Inset Maps and Safeguarding Map as set out in Appendices 1 to 4 of the Plan.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs.
7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Councils will need to update the adopted policies map to include all the changes proposed in the Bournemouth, Dorset and Poole Waste Plan Schedule of Modifications – January 2019 which is attached as an appendix to this report.

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on them by section 33A in respect of the Plan's preparation.
9. Under S33A of the 2004 Act local authorities are required to engage constructively, actively and on an on-going basis with other local planning authorities and prescribed bodies. The purpose is to maximise the effectiveness of plan making. This duty concerns strategic matters which include county matters such as waste planning.
10. Subsection (6) of S33A of the Act requires consideration of the preparation of joint local development documents. The Plan is such a document as it has been prepared by three adjoining authorities. Preparation of the Plan has been overseen by a Joint Advisory Committee comprising representatives of the three Councils.
11. In accordance with national policy, the Plan is aiming for self-sufficiency in waste management. Other neighbouring councils in the south-west region are taking a similar approach. At the present time there are contracts in place for disposal of the Councils' residual waste in the neighbouring counties of Somerset and Hampshire which expire in 2020 and 2021. The plan does not seek to continue those exports after the end of the contract periods but instead provides for new residual waste processing facilities within the Plan area. Some waste will continue to be moved across authority boundaries but the planned approach is to reduce such

movements. As a consistent approach is being taken across the region the overall approach of the Plan does not raise specific issues affecting neighbouring councils.

12. The Councils' Duty to Co-operate Statement demonstrates that there has been active and on-going engagement with neighbouring councils. The discussions that have taken place and the documentation that has been produced provide confidence that there has been full engagement and co-operation in the strategic matter of cross-boundary movements of waste. The Councils' involvement with the South West Technical Advisory Body has been of value in these respects.
13. The Councils have also actively engaged with the district councils in Dorset regarding planned areas of growth in planning the need for new facilities throughout the Plan area.
14. Dorset has landscapes and habitats which are designated at national and international levels. Part of its coast is designated a World Heritage Site. The Councils have engaged actively and constructively with Natural England (NE) regarding habitats and landscape designations and with Historic England (HE) regarding the effect of allocated sites on the settings of heritage assets and in terms of policy wording. There has been similar engagement with the Environment Agency (EA) regarding policies concerning flood risk and protection of groundwater and water resources. The Councils have worked with the Dorset Local Nature Partnership in ensuring protection of locally designated habitats.
15. The Councils have also worked in co-operation with the Dorset Local Enterprise Partnership having regard to its Strategic Economic Plan. This ensures that sufficient provision for waste arising from economic growth has been made and that waste sites are appropriately located in relation to growth areas.
16. There has been active engagement with highway authorities, the Marine Management Organisation and the operator of Bournemouth Airport as directed by the Civil Aviation Authority. The latter has been a specific aspect of one of the allocated sites which is close to Bournemouth Airport.
17. For these reasons the requirements of Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in terms of engaging with prescribed bodies have been complied with.
18. The working arrangements with neighbouring councils, constituent councils and other bodies have ensured that strategic matters including cross-boundary movements of waste, designated landscapes and areas of growth have been properly considered. This is confirmed by the Statements of Common Ground which have been agreed between the Councils and other authorities and bodies, including with North Dorset District Council, Somerset County Council and Hampshire County Council. Consistency with national policy has been ensured in terms of various matters including airport safeguarding, heritage assets and flood risk.

19. Overall I am satisfied that where necessary the Councils have engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Habitats Regulations Assessment

20. The HRA (October 2017) and its Addendum (June 2018) conclude that some of the site allocations may have some negative impact on internationally designated sites, which requires mitigation. The Addendum was carried out following recent case law to ensure that mitigation measures are assessed within the framework of an Appropriate Assessment (AA). The post-submission MMs were also subject to HRA. The HRA recommends specific policy wording to ensure no adverse effect on the integrity of European sites which has been incorporated in a number of MMs, notably **MM6.12, MMAS1.4, MMAS1.7, MMAS7.1, MMAS7.8, MMAS8.2, MMAS8.7, MMAS9.1, MMAS9.2, MMAS10.1, MMAS10.2** and **MMAS10.4**. The HRA was carried out in consultation with NE whose recommendations have been taken into account. There are some technologies that could potentially affect international habitats but until details of specific proposals are put forward their effects cannot be assessed. However the Councils are satisfied that there are reasonable prospects of mitigation reducing the impacts to an acceptable level. There are also types of waste management use which could be accommodated on the allocated sites with a high degree of certainty that they would not adversely affect the habitats. Therefore, the HRA and its Addendum accord with the requirements of the Habitats Regulations.

Assessment of Soundness

Main Issues

21. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified four main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness and legal compliance rather than responding to every point raised by representors.

Issue 1: Whether the vision, objectives, spatial strategy and allocations provide an appropriate basis for managing waste sustainably.

22. The statutory framework for waste management requires that waste is managed at the highest possible level in the waste hierarchy and that a network of installations is provided to enable waste to be managed in one of the nearest appropriate installations. The revised Waste Framework Directive sets out the waste hierarchy and establishes the principle of 'proximity'. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal. The proximity principle requires an integrated and adequate network of waste disposal

installations to allow for waste to be recovered or disposed of at the nearest installation.

23. The objectives of the Plan include: management of waste at the highest feasible level of the waste hierarchy; optimisation of self-sufficiency; and provision of a flexible approach allowing for emerging technologies. These objectives are in accordance with the NPW. An important aspect is consideration of the safeguarding of economic assets and tourism in conjunction with provision of new waste management facilities in order to maximise local employment opportunities.
24. Because the population is concentrated in the south-east of the plan area, within Bournemouth, Poole and Christchurch, strategic provision is required close to those urban areas. The plan has identified strategic requirements for residual waste management and recycling and allocates sites to meet those requirements, which are well related to the sources of waste. This approach is consistent with achieving self-sufficiency and proximity.
25. The provision of a network of facilities, including facilities for re-use, recycling and recovery, will facilitate the movement of waste management up the waste hierarchy. The provision of facilities close to where waste arises will be in accordance with the proximity principle and will reduce the transport of waste. The spatial strategy provides for local and strategic recycling facilities and a site for green waste composting. A facility for bulky waste is allocated in Policy 3 and depicted in Inset 1. The distribution of planned facilities for residual waste treatment concentrates these facilities close to the main urban area. Allocations are made to facilitate the treatment of an increased tonnage of waste to enable recovery within the County instead of transporting waste to landfill or recovery facilities outside Dorset, as happens at present.
26. Landfill is treated as a last resort in the Plan in order to encourage treatment at higher levels in the waste hierarchy. However the two existing landfill facilities which are currently mothballed are to be safeguarded throughout the Plan period should a specific need arise.
27. Policies 4 to 6, which deal with facilities that are not allocated in the Plan and recycling and recovery facilities, which may be on allocated or non-allocated sites, require proposals to be in accordance with the spatial strategy of the Plan and not displace the management of waste further up the hierarchy. Policies 7 to 9, which deal with disposal, inert waste and special waste have similar requirements. These policies ensure a consistent approach in line with the objectives of the Plan.
28. There is an identified under-provision of recycling facilities. Such facilities could be provided on the four sites that are allocated for residual waste management in Policy 3. A MRF could form part of that provision and such a facility has been permitted at Canford Magna. Modifications make it clear that those sites could accommodate facilities for the management of recyclates and food waste. (**MM5.1, MM5.5, MM7.13, MM7.14, MM7.19** and **MM7.20**) Without those modifications there could be uncertainty and the Plan would not be effective.

29. The network of new local and strategic waste management facilities would be related to both existing and planned areas of greatest population density. The allocated sites for strategic facilities would be closely related to the main urban areas. New local facilities would be provided at Blandford and Dorchester to provide for needed improvements over existing facilities and to provide for growth in those areas. Similarly a local facility would be provided at Gillingham.
30. Much of the plan area has nationally designated landscapes and the South-East Dorset Green Belt extends around the urban areas of Bournemouth and Poole. These designations have been taken into account in considering alternative sites. One new site at Blandford (shown on Inset 2) has been allocated in an Area of Outstanding Natural Beauty (AONB). An extensive investigation of the suitability and delivery of alternative sites in Blandford has been carried out. Two other sites in the AONB at Dorchester and Maiden Newton (shown on Insets 6 and 12) are existing developed sites.
31. There are two allocated sites in the Green Belt (shown on Insets 7 and 8) but they are existing developed sites. The land covered by both allocations is occupied by buildings and structures and this respect the allocations are consistent with national policy on Green Belt. The site at Canford Magna is to be extended to include a small area occupied by a lagoon which was constructed as part of the drainage system for an adjacent landfill site. The SA has assessed alternative sites and concluded that the allocated sites are preferable to the alternatives considered.
32. National policy in paragraph 116 of the Framework states that planning permission should be refused for major development in AONBs other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Any proposed development on the allocated sites in AONBs would require assessment of those matters as important material considerations and the development considerations for the allocated sites at Blandford and Dorchester make this clear. Those modifications refer to paragraph 172 of the revised Framework (2018) as this is the national policy against which proposals would be considered. The development considerations for Maiden Newton Sewage Works do not include such a reference and this omission would be unsound on the basis of consistency with national policy and effectiveness. I have accordingly recommended a modification in this respect (**MMAS13.3**).
33. National policy does not preclude waste development in AONBs but the policy tests impose a high hurdle. It has been demonstrated that the allocation in Blandford is necessary and that the site has been chosen following a rigorous assessment of alternatives. The allocation would allow for the provision of a facility in accordance with national policy. The other two sites in the AONB are already developed and it is likely that further development could be accommodated at those sites without adversely affecting the AONB. On this basis the allocations in the AONB are consistent with national policy.
34. Two of the allocated sites are in the South East Dorset Green Belt, these being at Parley and Canford Magna. Alternative sites were considered as

part of the site selection exercise. This included consideration of sites outside the Green Belt which were discounted because of deliverability and location in relation to the urban area. The two allocated sites are existing waste management facilities occupying previously-developed land in Green Belt. The allocated areas would allow for development to take place in accordance with national policy on Green Belt.

35. In the site selection process sites were discounted from a long list of potential sites following various stages of consultation and investigation. The deliverability of sites including in terms of their availability was considered early in the process. Additional sites have been added later in the process when they have been put forward. As part of this exercise, impacts on designated habitats were considered.
36. The five sites that are allocated for strategic facilities, including Woolsbridge Industrial Estate, are close to internationally designated habitats. The Councils are confident following the HRA and consultation with NE that waste management uses could be carried out on those sites without adversely affecting the habitats.
37. I have noted in paragraph 20 that the policy wording would provide for adequate mitigation measures in respect of individual proposals. On this basis the allocations are sound in terms of consistency with national policy and effectiveness.
38. Modification **MM9.5** provides additional explanation in this respect. Any lack of clarity in the submitted Plan would be unsound in terms of its effectiveness and for this reason that modification is necessary.

Issue 2: Whether the plan makes adequate provision for new sustainable waste management facilities to ensure that waste is moved up the waste hierarchy and managed in accordance with the proximity principle.

39. The assessment of need for waste management facilities over the plan period up to 2033 has considered need in respect of local authority collected waste (LACW), commercial and industrial waste (C&I), construction, demolition and excavation (CDE) waste and hazardous waste.

Local Authority Collected Waste

40. To calculate need for LACW, the planned number of new homes in the area has been considered. The figures are taken from adopted local plans and from updated figures from Strategic Housing Market Assessments (SHMA). Where local plan periods end before 2033 planned average rates of housing delivery have been extrapolated forward. The planned annual rates of delivery of housing in many of the local plans may be above actual rates of delivery but these provide a robust basis for assessment. Where local planning authorities have revised their figures having regard to recent SHMAs these figures have been taken into account. Actual housing completions are to be monitored in order to inform the need for any review of the Plan.

41. In addition to housing and population growth an increase in the amount of waste generated per household has been considered. This is based on the assumption that economic growth results in more waste being generated. The tonnage of waste per household in the baseline year of 2013/14 was used and a medium growth scenario was used. This takes into account the tonnage per household over a five-year period. An alternative approach that was considered is to base growth in waste arisings per household on the highest levels during the past 10 years. These levels may have been as a result of high levels of housing growth but there is no substantive evidence to support use of the higher growth scenario. Use of the medium growth scenario followed discussions with the waste management authorities and industry and reflects past trends. The assumptions made are appropriate and the methodology used in this assessment is sound.
42. Dorset currently achieves a recycling rate of 59.4% while Bournemouth and Poole achieved 49% and 49.5% respectively in 2016/17. The flexibility provided by the allocations would allow for those rates to be increased notwithstanding that Dorset already achieves a high rate of recycling. LACW and recyclates are to be monitored which will allow for review of the Plan if necessary.

Commercial & Industrial Waste

43. The Councils commissioned a study of C&I waste arisings for 2015. The Local Economic Forecasting Model (LEFM) was used to establish projected economic growth and the figure was updated from 1.2% to 1.4% to reflect the 2016/17 LEFM. The resulting calculation projects C&I waste arisings per £million of Value Added.
44. Three growth scenarios were considered for C&I waste. The 'low growth' scenario was adopted, which is based on waste arisings increasing at 50% of the rate of economic growth. This approach is supported by figures produced by Defra which show a decline in C&I waste between 2012 and 2014 and by figures from the Chartered Institute of Waste Management which predict a very low level of growth in C&I waste of 0.1% per annum up to 2020. The Government's Review of Waste Policy in England (2011) has as a key aim the decoupling of waste from economic growth. Thus the Government's aim is that waste generation should be far less than levels of economic growth through re-use and recycling. Taking these factors into account the low growth scenario adopted in the Plan is justified.

Recycling and Residual Waste Capacity

45. The Plan identifies that there will be significant shortfalls in capacity for recycling and residual waste treatment within the Plan area, particularly towards the end of the Plan period. Based on current figures at the end of the Plan period there will be capacity shortfalls of 270,000 tpa for recyclates and 234,000 tpa for residual waste treatment. There is planning permission for two MRFs in the area. On the assumption that one of those will be developed, this would provide 150,000 tpa of capacity which could be for a combination of recycling and residual treatment. This would leave a net requirement for 354,000 tpa of additional capacity. The Plan provides for a total of 385,000 tpa of capacity in four allocated sites.

46. If food waste is added to the total there would be a shortfall at the end of the Plan period of about 28,000 tpa. The Plan provides for additional non-allocated sites to be developed and anaerobic digestion (AD) plants could fall within this category. Modifications have been made to reflect updated projections (**MM5.4**). In the absence of those modifications the figures would be out of date and the Plan would be unsound.
47. The submitted Plan does not fully explain the assumptions that have been made with regard to capacity likely to be provided by approved MRFs. Neither does it fully explain the assumptions made in respect of capacity provided by transfer facilities. In these respects the Plan is not fully justified and on this basis would be unsound. Modifications **MMs 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.24** and **7.27** are necessary in that they provide further explanation regarding the capacity that is expected to be provided.

Green Waste

48. Provision for green waste processing would be made by an allocated site at Piddlehinton. In order to allow for flexibility, Policy 4 allows for sites that are not allocated to come forward. This could include AD facilities for waste food. The sites that are allocated for residual waste treatment could also potentially accommodate new facilities for organic waste processing alongside other waste treatment processes.

Agricultural waste

49. Agricultural waste that is spread on land for agricultural benefit does not fall within the terms of the revised Waste Framework Directive, but is classed as waste in national policy in the NPW. It is also classed as waste for the purposes of the Plan. The submitted Plan does not fully explain this and therefore would be ineffective in this respect. Modifications **MM2.1, MM11.15** and **MM11.16** provide further explanation and are necessary to ensure that the Plan is effective.

Inert waste

50. The Plan identifies that there will be shortfalls in capacity for both recycling and recovery/disposal of inert waste, the former from 2023 onwards and the latter from 2028. At the present time this waste is used to restore mineral workings and in civil engineering works while a significant proportion is recycled. Recycling either takes place on construction sites or at dedicated facilities. There is an upward trend in inert waste arisings which is likely to continue as a result of planned housing and economic growth. Existing temporary permissions for minerals sites and inert recycling sites will lapse during the plan period resulting in shortfalls in provision.
51. Tonnages of inert waste arising in the Plan area have been used to establish the baseline and growth in arisings has been linked to economic growth in terms of Value Added in the construction sector. The Plan assumes that 80% of CDE waste will be recycled. This is realistic on the basis that the 70% target in the revised Waste Framework Directive is already being exceeded.

52. The Minerals Sites Plan will allocate sites for mineral extraction and the Councils expect that the available capacity in terms of restoration will far exceed the shortfall in recovery capacity identified. Although restoration schemes in respect of the allocated sites have not been approved the potential capacity is in excess of 4.5 million tonnes against the indicated shortfall of 235,000 tonnes. Given the high expected rate of recycling the provision for recovery would be realistic and the approach justified.
53. Policy RE1 of the Minerals Strategy encourages recycling facilities in the north and west of the county where there are currently few facilities. That policy also enables further capacity for inert recycling facilities to be permitted. Policy 8 of the Plan allows for provision of inert waste recovery and disposal facilities. Further explanation of the expected recovery capacity is necessary to ensure the Plan is effective. Modification **MM7.42** provides this explanation.
54. The objectively assessed need for inert waste recycling and recovery/disposal capacity has been demonstrated to be based on an appropriate evidence base. As provision for inert waste recycling has been made in the Minerals Strategy and for the reasons given above the approach taken by the Plan in respect of inert waste recycling is sound.

Hazardous waste

55. The Plan assesses the amount of hazardous waste arisings in the plan period. Because of the nature of this type of waste it is managed over a wider area and in this respect it is not realistic for the Councils to be self-sufficient. This is because suitable facilities are geographically dispersed and it is not always viable to treat hazardous waste close to where it arises. There are currently two facilities in the Plan area that manage such waste, consisting of a clinical waste incinerator in Bournemouth and an oil and water treatment facility in Shaftesbury. The former treats waste from Hampshire as well as from the Plan area. There are no hazardous waste landfill facilities in the Plan area. Policy 9 seeks management of special types of waste arising from within the Plan area but recognises that this type of waste may originate from outside the Plan area.

Disposal

56. There are no operational landfill sites in Dorset and waste that is to be disposed of is currently transported to facilities outside the County. This will continue until the expiry of existing contracts. The provision of increased capacity for recycling and recovery within the Plan area will allow for waste to be treated higher up the waste hierarchy and in accordance with the proximity principle. A reduction in exports of waste will be consistent with working towards self-sufficiency. While some waste will continue to be imported and exported depending on the market the Plan would enable such movements to be reduced.

Overall

57. The allocations provide for more capacity than is needed in order to provide for contingency in case any of the allocated sites do not come

forward. This approach is justified as it enables flexibility and for facilities to be provided in accordance with market conditions.

58. A need for a Household Recycling Centre (HRC) to serve the Wimborne and Ferndown area has been identified but it has not been possible to allocate a site for this. However this is not a priority in the early part of the Plan period. The Strategic Director of Christchurch Borough and East Dorset District Councils has confirmed that it is likely that land on Ferndown Industrial Estate will come forward for such a facility. Policies 4 and 5 would allow for development of such a site. The Councils are confident that a site will come forward during the Plan period. The Plan allows for provision of this facility.

Policy 1

59. A modification is made to Policy 1 to refer to the promotion of the circular economy as an overarching aspect of sustainable development. This is necessary to ensure that the policy fully reflects government policy. A more circular economy will reduce waste and drive greater resource productivity to provide economic benefit, address resource scarcity and reduce environmental impacts. Inclusion of this requirement in Policy 1 will ensure that it is a guiding principle of the Plan (**MM3.2**).

Policy 2

60. Policy 2 supports integrated waste management facilities which are co-located with complementary activities. Paragraph 3.22 encourages co-location of waste management facilities with end users of the outputs from waste processing. It does not encourage co-location with other complementary uses such as other waste processes. In this respect the Plan is not effective. Modification **MM3.3** is necessary to address this.

Policy 3

61. The submission Plan allocates sites and describes waste management processes that will be permitted on those sites. This would not allow flexibility and would restrict the ability of operators to introduce processes that would manage waste at higher levels of the waste hierarchy. The identified processes are referred to as 'proposed' rather than 'allocated' uses. Modifications **MM6.1**, **MM6.2** refer to allocated uses and thus ensure that a range of waste management uses can be considered for each site.
62. The allocations at Woolsbridge Industrial Estate and Brickfields Business Park, as shown on Insets 1 and 3 cover a wider area of land than is needed for the allocated facilities. The Plan as submitted may limit wider considerations of the planning of the business parks and greater flexibility is needed. The modifications state that these allocations are to be considered as areas of search rather than defined sites (**MM6.4**, **MM6.5**) and are necessary to address these limitations of the Plan.
63. Modification **MM6.6** specifically identifies Woolsbridge as an allocation for a bulky waste facility. This would be a strategic facility and thus distinct from the local facilities identified in Policy 3. This modification is necessary

to make the Plan sound in terms of its positive preparation and effectiveness.

64. Planning permission has been granted for an extension to Gillingham Sewage Treatment Facility as identified in Policy 3. On this basis it is no longer necessary to allocate that site for development. Modifications **MM6.3, MM6.7** are necessary to delete reference to that allocation.
65. The policy includes a requirement to ensure that the integrity of European and Ramsar sites is not adversely affected. This may require appropriate assessment for individual development proposals. It is necessary to ensure that policies fully reflect the findings of the HRA. Without this the Plan would be unsound. Modification **MM6.12** ensures that Policy 3 fully identifies potential effects on European sites.

Policy 4

66. Policy 4 allows for waste management facilities on sites that are not allocated in the Plan. Its criteria seek to ensure that development of allocated sites would not be prejudiced while recognising that unallocated sites may offer advantages such as co-location or the provision of local heat and energy sources. The policy prioritises the use of allocated or previously-developed land. National policy in the NPW also allows for waste management facilities to be provided in agricultural settings. Policy 4 as submitted does not fully reflect this and is not consistent with national policy in this regard. Modification **MM6.11** addresses this in that it allows for such development within the terms of the policy.

Issue 3: Whether the policies make adequate provision for sustainable waste management facilities while minimising harm to the environment.

Policy 5

67. Policy 5 sets out detailed criteria for MRF, HRC and waste management centres. It also sets out requirements for all recycling and waste transfer facilities. They are consistent with the objectives of self-sufficiency, moving waste up the hierarchy and safeguarding amenity and the environment. Modifications (**MM8.1, 8.2, 8.3**) are proposed to the supporting text of the policy. These provide additional explanation and clarification and are necessary for effectiveness.

Policy 6

68. Policy 6 has similar requirements and also requires production and use of energy as far as is practicable. This is in accordance with the NPW. Any residues arising from the process must be managed in accordance with the waste hierarchy and the proximity principle. While the Councils are aiming for self-sufficiency, it is possible that residue treatment could include cross-boundary movement depending on the location of other facilities. The policy would allow for this.
69. The policy requires that where energy is produced opportunities for use of heat and power are maximised. As the site allocations do not specify processes the development considerations do not specify that heat and power opportunities should be investigated for each site. However

proposals would be considered under Policy 6 which provides the mechanism for achievement of this benefit. Modifications are proposed to the supporting text of the policy (**MM9.1- MM9.7**) which provide additional clarification.

Policy 7

70. Policy 7 allows for new landfill as a last resort provided that there are no other existing recovery or disposal facilities available, that there is a clear need for the facility and the waste has undergone treatment. It is a requirement of the policy that landfill gas is extracted and used as an energy source.
71. Paragraph 10.1 of the Plan sets out that waste treatment without the recovery of energy is classed as disposal. It does not explain that this includes energy recovery that does not meet the criteria of the R1 energy efficiency formula in the revised Waste Framework Directive. For this reason the Plan is not fully effective in providing this definition. Modification **MM10.2** is necessary to address this matter.

Policy 8

72. Recycling of inert waste is covered by Policy RE1 of the Minerals Strategy (2015). Policy 8 provides requirements for recovery and disposal of such waste. This requires that there is a clear need for the development. As far as reasonably practicable all materials capable of producing high quality recycled aggregates must be removed for recycling before recovery or disposal is considered. The policy requirements are consistent with the aim of moving waste management up the hierarchy. Policy 8 criterion (c) requires that inert waste recovery and disposal does not prejudice the restoration of mineral sites. In that it does not include restoration of waste sites the policy provision is lacking. Modification **MM10.8** addresses this matter of soundness and is necessary to ensure the Plan is effective.

Policy 9

73. Policy 9 requires that any facilities for management of radioactive waste are consistent with national policy and strategies for radioactive waste management. Such facilities are subject to licensing requirements and specific control from other regulators such as the Office for Nuclear Regulation and the EA. National strategies allow for nuclear waste to be treated at national and regional facilities. There is a facility at Winfrith which has a key role in treating waste from the decommissioning programme there. It is feasible that this will have specialist capabilities that are unavailable elsewhere to allow selective treatment of waste not arising from Winfrith. Policy 9 requires management of such waste in accordance with the proximity principle but is sufficiently flexible to allow treatment of nuclear waste from elsewhere if a need is identified. No modification is proposed to this policy.

Policy 10

74. Policy 10 covers the decommissioning and restoration of Winfrith. Paragraph 11.40 states that disposal of waste on site should be restoration-led and should use the minimum amount of waste to achieve

the stated purpose. This is consistent with seeking to move waste up the waste hierarchy in terms of minimising disposal. This approach is consistent with optimising the end use of the site. Detailed discussions have taken place between the Waste Planning Authority (WPA) and the Nuclear Decommissioning Agency (NDA) and Magnox regarding the restoration of the site which is already well advanced. The supporting text to Policy 10 covers a number of detailed matters and in as far as they do not clearly reflect the detailed requirements of the restoration programme they are not effective. **MMs 11.1 to 11.8** are necessary to provide clarification in these respects.

75. Even though restoration is at a late stage there is a need to master plan the remaining stages to ensure that all proposals are considered in relation to the restoration scheme as a whole. In Policy 10 (f) the requirement for a master plan applies only to proposals requiring Environmental Impact Assessment. As this approach would exclude smaller scale development the masterplan approach would not be effective. Modification **MM11.10** requires proposals in general to be supported by a masterplan and ensures effectiveness in this regard.
76. Modification **MM11.9** is also necessary as it states that the masterplan would be an iterative document. It would thus allow flexibility. The provision in the final paragraph of the policy for a Supplementary Planning Document to be produced would not be necessary and indeed this could impose unnecessary restriction. This element of the policy has been deleted in **MM11.10**.
77. Criterion (c) of Policy 10 as submitted seeks to maximise use of the rail sidings where this is feasible. This is consistent with the NPW which requires consideration of the capacity of existing transport infrastructure to support the sustainable movement of waste. Further text has been added to the policy by **MM11.10** to make clear that use of the sidings must be economically and logistically feasible.
78. Criterion (d) requires investigation of the potential for vehicular access via Dorset Innovation Park (DIP) for decommissioning and waste traffic. This is to minimise pressure on Gatemore Road in the interests of highway safety and amenity. The NDA and Magnox do not have control over the roads within the DIP as these are privately owned. Nonetheless this would not prevent investigation of arrangements for such access. The Councils do not anticipate that any significant highway improvements would be necessary.
79. Criterion (e) requires regard to be given to the opportunity for land at the northern end, which is within the DIP, to be considered for uses which contribute to the DIP's status as a strategic employment site and an enterprise zone. As a masterplan is necessary, consideration of provision in respect of the DIP land would be appropriate. This does not require specific provision but is justified in the context of the status of the DIP. Planning for employment provision is a matter for Purbeck District Council (PDC). This requirement does not seek to meet any objectively assessed need but it would support any such need identified by PDC. It is consistent

with the NPW which requires consideration of waste management alongside other spatial planning concerns.

80. In the restoration scheme benefits to the community are likely to result from the provision of heathland with public access. Nonetheless the nature and extent of such benefits are not known at present. Some benefits may arise as a result of proposed development and through use of planning obligations or conditions in accordance with national policy. However the Councils and the NDA advise that community benefits may also be voluntarily offered. Such benefits, if not demonstrated to be necessary as a result of development, cannot be taken into account in determining planning applications. The submitted Plan does not make this clear and is not effective in this respect. A new paragraph has been inserted after Policy 10 (**MM11.11**) which provides the necessary explanation.
81. Notwithstanding this, the policy states that in considering the restoration scheme the WPA would take into account any volunteered community benefit as part of its overall consideration of achieving sustainable outcomes for the local community. This approach is justified in terms of considering the three dimensions of sustainable development as a whole.
82. The policy recognises that proximity to designated habitats must be considered including in terms of any necessary mitigation measures which may affect matters such as accessibility. The need for HRA and Environmental Impact Assessment of restoration proposals is programmed into the decommissioning timetable. These are specific legislative requirements and requirements of the Habitats Regulations are covered by Policy 18. More specific information about Natura 2000 sites that would potentially be affected should be provided in the supporting text in order to provide clarity and ensure effectiveness. I have recommended **MM11.17** to provide additional explanation of the habitats within and adjacent to the area covered by Policy 10.

Policy 11

83. The Councils have liaised with Wessex Water which identified that extension to two sewage treatment works would be required to accommodate planned growth within their catchment areas. Planning permission for one of those facilities (at Gillingham Sewage Treatment Works) has been granted so it is only necessary for the plan to allocate one facility (Maiden Newton Sewage Treatment Works) for extension (**MM11.14**). Policy 11 sets out the requirements for any other waste water or sewage treatment facility that may be proposed. The policy ensures consistency with other planning requirements in terms of ensuring an adequate network of facilities, that there is no environmental harm and that amenity and economic interests are not harmed.

Agricultural waste

84. Agricultural waste in the form of manures and slurries that is re-used on farms is not controlled under the revised Waste Framework Directive but may be considered as C&I waste for the purposes of the Plan when facilities such as storage facilities are proposed. No specific provision is

made in the Plan for dedicated agricultural waste facilities. There are a small number of existing facilities which deal with this type of waste and the Councils will keep the need for further such facilities under review. The Plan does not explain fully how proposals for agricultural waste facilities will be treated and is ineffective in this respect. Modification **MM11.16** explains the approach to be taken to such applications and is necessary to ensure soundness.

Woolsbridge Industrial Estate, Three Legged Cross

85. In the submission Plan an area of land to the south of Woolsbridge Industrial Estate of over 5 ha in area is identified to accommodate a Waste Transfer Station (WTS) and/or a bulky waste treatment facility. If both of those facilities were developed they would require about 2 ha. Following discussions at the hearing, an additional area has been identified on the Inset map which is to the east of the estate, and the allocation has been modified to refer to an area of search within the two identified areas (**MMAS1.1**). A significant part of the land identified has outline planning permission for employment uses and the area of search approach provides additional flexibility to allow for the waste uses to be planned and integrated with the permitted development.
86. I saw that construction was underway on the southern land under the terms of reserved matters that have been approved. This has reduced the area available within the southern land for the allocated waste uses. It would still be possible to accommodate those uses on that land but the need to build out the approved development as a whole must be considered in conjunction with the allocated waste uses. The waste uses would occupy a small proportion of the area of search which is over 13 ha.
87. The land is allocated in the East Dorset Core Strategy (2014) for B1, B2 and B8 uses. Waste development would not fall within those use classes but would nonetheless provide employment. East Dorset District Council has stated that the supply of employment land would not be adversely affected. There is a surplus of employment land in the eastern part of the County.
88. The site owners do not consider that the achievement of the planned development in accordance with the outline permission would be prejudiced by the inclusion of the allocated waste uses. The design of the facilities could be controlled through the development management process to ensure compatibility. Waste would be stored within buildings and matters such as odour, dust and noise could be adequately controlled. For these reasons there is no substantive evidence to show that the allocation for employment uses would be compromised.
89. In the absence of the modifications the Plan would lack flexibility and may give rise to uncertainty in terms of planning development of the industrial estate comprehensively. The modifications are necessary to make the Plan sound in these respects.
90. **MM AS1.3** is a consequential modification following other modifications and is necessary to ensure soundness in terms of consistency regarding

the area of search and allocation for a bulky waste facility as well as a transfer facility.

91. The development considerations in the submitted Plan are not comprehensive with respect to measures necessary to safeguard habitats. Modifications **MMAS1.4**, **MMAS1.7** and **MMAS1.6** are necessary to ensure habitats are sufficiently protected. Development consideration 3 should state that the buffer zone also relates to European habitat in order to be effective and I have included a modification to this effect in **MMAS1.6**.
92. It is necessary to require preparation of a landscape masterplan to mitigate visual impacts. It is also necessary for development to avoid Flood Zones 1 and 2 to accord with national policy. Modifications **MMAS1.8** and **MMAS1.5**) address these matters.
93. The allocated waste uses would not necessarily generate more traffic than would be generated by the permitted uses at the industrial estate. The Transport Assessment that was submitted in connection with the outline application for employment development concluded that traffic impacts on the highway network would not be significant. That assessment included consideration of a WTS as part of that development. These considerations support the designation as an area of search and justify this approach.

Sunrise Business Park, Blandford

94. The site is allocated for a waste management centre which would consist of a HRC and WTS. This is needed as the existing facility is inadequate and cannot be upgraded on its existing site. The allocation would be compatible with the adjacent business park and with a potential further allocation of adjacent land for employment purposes in the North Dorset Local Plan Review. The access to the facility could be designed to also facilitate access to the adjacent land if required. North Dorset District Council (NDDC) has stated that the allocation would not prejudice its options for growth that are being considered under its Local Plan Review.
95. A number of alternative sites were considered during preparation of the Plan. The Councils and NDDC agree that there is a lack of available employment land and previously-developed land in Blandford.
96. A Landscape and Visual Sensitivity Study was undertaken by Dorset County Council to examine alternative sites within the AONB at Blandford. This considered the visual impact of a waste management centre in 10 potential locations to the north and east of Blandford, of which 9 are in the AONB. The allocated site, together with adjoining land to its south-east, was considered to be the least sensitive in terms of visual impact. The area not within the AONB was considered to be more sensitive because of the sloping topography and its visibility from nearby viewpoints. The allocated site is on top of a plateau and has a maturing shelter belt along its north-eastern edge. These features, together with its association with Sunrise Business Park make the allocated site less sensitive. The allocation of the site has been justified in these respects.
97. A number of detailed matters were discussed at the hearing. The location of the site within the AONB means that it is particularly important that

dark skies are not adversely affected. It is also important that landscaping measures are in place quickly to achieve necessary screening and that all boundary hedges are retained except where necessary to provide access. It is also necessary to require a hydrogeological/contaminated land risk assessment and to refer to the need for proposals to accord with national policy on development in AONBs. I consider these measures to be necessary and in the absence of development considerations setting out these requirements the Plan is unsound. The modifications **MMs AS2.3 – 2.8** adequately address these requirements.

98. For similar reasons an additional development consideration is needed to require a Transport Assessment to be submitted with a planning application and that this considers the impact of Heavy Goods Vehicle (HGV) movements in the AONB, to ensure that tranquillity is not unduly disrupted. Modification **MMAS2.9** provides this requirement.
99. As it will be necessary to demonstrate exceptional circumstances in relation to any planning application, the last sentence of the third paragraph under Inset 2 has been deleted (**MM AS2.1**). This is necessary to ensure consistency with national policy.

Brickfields Business Park, Gillingham

100. This allocation is identified on Inset 3 as covering the remaining undeveloped area of the business park. This falls within an area that is allocated for employment uses as part of a southern extension to Gillingham in the North Dorset Local Plan Part 1. NDDC supports the allocation for a HRC/depot in this location. The site is needed to serve residents and businesses in the proposed Gillingham southern extension as well as existing residents of the wider area. It would replace an existing outdated HRC facility at Shaftesbury. The facility would take about 1.5 ha out of the 10 ha area identified. It is necessary to identify the allocated area as an area of search in order to allow for development of the business park to be planned comprehensively.
101. The owners of the site have not supported the allocation and have expressed concern that allocation could sterilise part of the site for other development. However the flexibility provided by the modified policy would allow for various options and for a master planning approach. The area of land that would be used for the HRC and depot would form a small part of the total area available. It has not been demonstrated that the HRC/depot would be incompatible with, or would prejudice existing business or future business development. Careful design could ensure that other business development is not compromised. For these reasons the HRC and depot have a reasonable prospect of delivery and the Plan is positively prepared on this basis.
102. Any proposal would have to consider the setting of Madjeston Farm House which is grade II listed but this is some distance away from the business park and as the land is already allocated for development, introduction of a HRC/depot would be unlikely to be harmful in this respect.
103. To the extent that the area of search includes land in Flood Zone 2 it would be possible to avoid development within that flood zone in accordance with

national policy. The development considerations should recognise the need to provide a buffer to protect the Rivers Stour and Lodden. They should also include requirements for a contaminated land investigation. Modifications **MMAS3.2** and **MMAS3.3** are necessary in these respects.

Land at Blackhill Road, Holton Heath Industrial Estate

104. Blackhill Road is within an employment area and is currently in use for skip storage. Its use as a WTS would be compatible with the area. The modifications (**MMAS4.1** and **4.2**) make clear that the site would provide for local authority collected waste to be bulked up. Alternatively if there is no longer a need for such a facility, the site could potentially provide for C&I waste or CDE waste. These modifications provide clarity and flexibility. To the extent that these paragraphs are missing in the submitted Plan it may not be fully effective.
105. There is a need for a contaminated land investigation and risk assessment to be submitted with an application and **MMAS4.3** provides for this requirement.

Loudsmill, Dorchester

106. The proposed site for a new HRC at Loudsmill, Dorchester would be to the east of the existing facility. This is within an industrial area adjacent to a sewage treatment works. At present private cars and waste vehicles visiting the existing HRC travel along St Georges Road. This is a residential road which is generally quite narrow. The last part of the road is, I understand owned by Wessex Water. This part is very narrow and not of a standard expected to serve a HRC or the other adjacent industrial users.
107. Wessex Water has indicated that it wishes to redevelop its existing facility. The redevelopment would be for operational purposes and the sewage treatment facility would be retained. As part of any such redevelopment there would be an opportunity to secure widening of the access road. Development considerations 1 and 2 state that improvement of the access road should be provided as part of the new HRC if practicable.
108. An extension to Lubbecke Way has been constructed. This joins St Georges Road and will provide an alternative route albeit that this is still through a residential area. The highway authority has not objected to the allocation. Widening of the access road to the facility would alleviate congestion on that part of the access route.
109. West Dorset District Council's emerging Local Plan provides for significant housing growth of over 3,000 homes in Dorchester. That Plan is at an early stage and is yet to be submitted for examination. It is possible that an alternative site for a HRC could be found in connection with the planned area of growth but no such site has yet been identified.
110. A number of alternative sites to that at Loudsmill have been assessed as part of the Waste Plan preparation and the allocated site is preferred for a number of reasons. West Dorset District Council supports the allocation at Loudsmill while recognising the potential for an alternative site to be found through its Local Plan process. As there is a clearly identified need for a

new HRC in Dorchester it is necessary to allocate the site in order to ensure that the Plan is positively prepared. This does not preclude investigation of an alternative site should one be identified through the emerging West Dorset Local Plan. As this is not fully explained in the submitted Plan, modification **MM6.8** is necessary to provide further justification and ensure the Plan is positively prepared.

111. It is necessary for the development considerations to require mitigation of any adverse impact on landscape and heritage assets. Modifications **MMAS5.1** and **MMAS5.2** provide for these requirements and ensure the Plan is sound.
112. It is also necessary to require a buffer between the development and the adjacent Site of Special Scientific Interest (SSSI) and a contaminated land investigation and risk assessment. Modifications **MMAS5.3** and **MMAS5.5** make these provisions.

Old Radio Station, Dorchester

113. There is an identified need for a WTS and vehicle depot in Dorchester. This would reduce the distances over which waste is currently transported. Alternative sites were considered including one at Stinsford Hill which is not in the AONB. Allocation of that site for development would however have had greater impact on the landscape and historic environment. Although in the AONB the allocated site already contains built development. The development considerations require a landscape-led masterplan which would mitigate visual impact.
114. The site is required for bulking up of local authority collected waste but if it is no longer required for this type of waste it could be considered for C&I waste or CDE waste. In order to ensure the Plan is sufficiently positively prepared, **MMAS6.1** adds wording to explain this.
115. As the site is within the AONB it is necessary to ensure that applications are considered under relevant national policy. The development considerations in the Plan do not make this clear and on this basis the Plan may not be effective. Modifications (**MMAS6.2** and **6.5**) ensure consistency with national policy. It is necessary to ensure protection of water resources and groundwater and modifications **MMAS6.3** and **6.4** are necessary in these respects.

Eco Sustainable Solutions, Parley

116. The HRA identifies that there could be a likely significant effect on European habitat but whether or not this is the case will depend on the nature of any proposal. Thus it is necessary for soundness to require the submission of sufficient information to the WPA to enable it to carry out an AA in respect of any proposal. NE supports this approach. The Councils, having consulted with NE, are confident that schemes for management of residual waste could be delivered without giving rise to any significant effect on the European habitat. Modification **MMAS7.1** is necessary to ensure consistency with national policy and effectiveness.
117. The site operator has been in the process of investigating the potential of its site for an energy recovery facility. This would have to be designed to

achieve a stack height sufficient to disperse emissions to avoid adverse impact upon adjacent habitats. It would also have to comply with airfield safeguarding requirements. Meetings have taken place between the site operator and the airport authority and NE have been consulted by the operator. Although the stack height had not been agreed at the time of the hearing, the site operator advised that the difference between the parties on this point was small. The Plan does not specify the technology to be used and there is thus flexibility in this regard.

118. There are outstanding concerns from the airport operator but Policy 20 requires that any proposal does not give rise to new or increased hazards to aviation. Development consideration 4 requires consideration of aerodrome safeguarding but this does not fully reflect national policy. Modifications **MMAS7.3** and **7.7** are required to make the Plan sound in this respect.
119. Small parts of the site around its edges lie within Flood Zones 2 and 3. Development consideration 10 requires application of the sequential test in accordance with national policy. However plan preparation must also consider this. As national policy directs development to areas at lowest risk of flooding **MMAS7.5** is necessary to ensure soundness. This requires built development to avoid those flood zones. Detailed consideration of any proposal at application stage would be undertaken in the context of a Flood Risk Assessment. If land levels have been raised such that flood risk is reduced as demonstrated by a Flood Risk Assessment this could be taken into account in a planning application.
120. It is also necessary to add development considerations to ensure protection of water resources, groundwater and ecology and modifications **MMAS7.6** and **7.8** provide for these matters.
121. The effect of any such proposal on the Green Belt including consideration of whether or not it would be inappropriate development would be matters to be considered at planning application stage. The submitted development considerations do not make this clear and thus the Plan may be ineffective in this regard. Modification **MMAS7.4** is necessary to make the Plan sound.
122. There are clear constraints to the achievement of waste processing uses on the site in terms of proximity to habitat, airfield safeguarding and Green Belt policy. It is possible to avoid harmful effects on habitat by designing technical solutions for dispersal of emissions including a suitable stack, subject to consideration of aerodrome safeguarding. The site is previously-developed land and provisions in national policy for this type of land in Green Belt would apply. On this basis I am satisfied that the site is deliverable.
123. The requirement to explore opportunities for combined heat and power in connection with Aviation Park West has been deleted (**MMAS7.2**) because the allocated use includes all types of non-hazardous waste management and this requirement would not be relevant in all cases. Provision is made by Policy 6 for energy and heat recovery.

Land at Canford Magna, Poole

124. The Plan provides for the intensification of existing facilities which could include redevelopment. On this basis there would be potential for adverse effects on the nearby European site. For this reason it is necessary to require submission of information to allow AA to be carried out. Modification **MMAS8.2** provides for this and is necessary to ensure soundness.
125. It is necessary to require mitigation measures in terms of loss of wet habitat and provision of a buffer between the development and the SSSI. Modification **MMAS8.3** provides for this.
126. The site has been identified in the Poole Local Plan as a 'Major Developed Site' in the Green Belt but that notification is outdated with respect to current national policy on Green Belt. The Plan is inconsistent with national policy in this respect. Modifications **MM12.22** and **MMAS8.1** are necessary to ensure consistency.
127. The site has the benefit of a permitted but not yet constructed MRF. To ensure flexibility in considering capacity the table provided with the development considerations for the site has been amended to avoid undue restriction and to allow for sufficient flexibility. Modification **MMAS8.6** is necessary for these reasons.

Land at Mannings Heath Industrial Estate, Poole

128. In the submitted Plan the table provided with the development considerations states that the site provides opportunities for preparation of Refuse Derived Fuel (RDF) or Solid Recovered Fuel (SRF). This approach would be restrictive and the Plan would not be positively prepared on this basis. This text has been amended and the references to RDF and SRF deleted in modification **MMAS9.2** which is necessary for soundness.
129. Because the modifications allow for a range of processes on the site, it is necessary to require information to enable an AA to be carried out given the proximity to European sites. Modification **MMAS9.1** provides for this.

Binnegar Environmental Park, East Stoke

130. Binnegar Environmental Park is adjacent to a sand and gravel quarry and on previously worked ground. It has permission for a variety of waste uses and is a short distance from the strategic road network.
131. It is necessary for any application on this site to provide sufficient information to enable AA to be carried out because the site is close to international habitats. Modifications **MMAS10.1** and **10.2** are necessary for this reason.
132. It is also necessary to require provision of a buffer between the development and the River Piddle. Modification **MMAS10.3** requires this provision.

Bourne Park, Piddlehinton

133. This site is allocated for green waste composting, for which there is an identified need in the western part of the Plan area. It is adjacent to an existing AD plant and there would be opportunities for benefits from co-

location. The site is accessible through the adjacent Enterprise Park and in order to avoid traffic travelling through the historic part of the village where roads are narrow it is necessary to include a development consideration to this effect. It is also necessary to ensure that buildings and structures do not adversely affect the historic character of the village. Modifications **MMAS11.1** and **11.2** are necessary to make the Plan sound in these respects.

Maiden Newton Sewage Treatment Works

134. This site is within the AONB. Alternative site options were considered but operational considerations had to be taken into account. These include the requirement to provide for catchment growth. The development considerations include a requirement for a landscape masterplan in order to mitigate impacts.

135. The development considerations for Inset 12 should include the need to comply with national policy for the AONB similarly to Insets 2 and 6. This modification is necessary to ensure soundness in terms of consistency with national policy. I have recommended a modification (**MMAS13.3**) to this effect.

Issue 4: Whether the development management policies strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment.

Policy 12

136. Policy 12 requires provision of safe access to developments. If an existing safe access is not available, improvements would be secured. Such improvements could in some cases conflict with conservation of sensitive landscapes, particularly in AONBs. Such effects would be considered under Policy 14.

137. Paragraph 12.29 explains that the strategic and primary road network is suitable for waste traffic. Modification **MM12.1** strengthens this text by referring to a need for formal routing arrangements. I consider this necessary in terms of strengthening this requirement and ensuring the Plan is effective.

138. Policy 12 requires submission of a Transport Assessment but the supporting text recognises that a Transport Statement may be sufficient in some cases. As a full Transport Assessment may not be required in all cases this requirement is not justified. I recommend that the policy be modified to require a Transport Assessment or Transport Statement as appropriate. (**MM12.2A**)

139. The policy states in paragraph (b) that where they are in control of the developer, improvements will be delivered in a timely manner. This policy is not sound as there would be uncertainty in its application. Modification **MM12.2** addresses this. As improvements could potentially be required to the strategic highway network Highways England would be the highway authority in such cases. In order to be effective the last sentence of criterion (b) should be modified to refer to the relevant highway authority.

Policy 13

140. Policy 13 requires protection of amenity. It requires any potential adverse impacts to be avoided or mitigated to an acceptable level. Paragraph 12.40 clarifies that quality of life can be affected through matters including illumination and visual impact, particularly in sensitive areas. These form considerations under the policy and there is no need to distinguish between locations within and outside the AONBs in this respect. As the frequency and intensity of impacts are important considerations **MM12.3** is necessary to explain this for the effectiveness of the Plan.

Policy 14

141. Policy 14 sets out requirements in terms of impact on landscape including within AONBs. It is necessary to take into account AONB Management Plans and to specifically ensure protection for the Heritage Coast.
142. Policy 14 requires good design and compatibility with landscape setting and conservation and/or enhancement of the character and quality of the landscape. In this respect character and quality can include tranquillity and dark skies. New waste development including associated traffic would have potential to affect tranquillity and dark skies. The policy as submitted is not fully effective in this respect. Modification **MM12.4** is necessary to address these matters.
143. The monitoring framework in chapter 14 of the Plan provides a framework for monitoring the effectiveness of policies in order to inform whether policies need to be reviewed. The key indicator for Policy 14 (in table 12) is the percentage of planning decisions making reference to the policy. Trigger points for correction and/or mitigation are a high number of decisions not referencing the policy or a high number of permissions being granted within the AONB. Either of these considerations may indicate that the policy is not sufficiently effective in controlling development in the AONB. As this would ultimately be a matter of judgement, attempting to define the number or percentage of decisions necessary to demonstrate that the policy is working effectively would serve little purpose.
144. Policy 14 sets out that great weight will be given to conserving nationally designated landscapes, consistently with the Framework. However a distinction should be made for the purposes of applying national policy between nationally designated landscapes and the heritage asset of the World Heritage site. For this reason I have added a further modification to Policy 14 (**MM12.4**) regarding the need to consider applications affecting the World Heritage Site against Policy 19 and national policy on heritage assets. I also recommend removal of the reference to the World Heritage Site from paragraph 12.49 to avoid the implication that this would be considered under national policy for landscapes (**MM12.3A**).

Policy 15

145. Policy 15 is in accordance with national policy in terms of encouraging measures to mitigate against and provide resilience to climate change. The measures seek to minimise use of resources and energy and in regulating extremes in temperature. It is necessary to ensure that this

policy applies to both new facilities and alterations to existing facilities and modifications (**MM12.5 – 12.8**) are necessary for this reason in order to ensure the policy is effective.

Policy 16

146. Policy 16 accords with national policy in terms of seeking to avoid loss of Best and Most Versatile agricultural land, avoiding pollution of land or water and in ensuring that ground conditions are suitable. It is necessary to require sealed drainage systems to prevent pollution and to manage soils and the policy and supporting text should make these requirements clear. **MM12.9, 12.10** and **12.11** address these requirements and are needed to make the Plan sound.

Policy 17

147. A Strategic Flood Risk Assessment has been carried out for Bournemouth, Poole and Dorset and this has informed preparation of the Plan. The supporting text to Policy 17 states that a sequential, risk-based approach to the location of development has been taken in allocating sites in the Plan. Some of the allocated sites border Flood Zones 2 and 3 but development of the allocated sites would not need to include operational land at risk of flooding. It is a national policy requirement to undertake sequential assessments for planning applications. As this is not included in Policy 17 this is unsound and modification **MM12.13** is necessary for this reason. The requirements of the policy in terms of ensuring compatibility with the EA's Catchment Flood management Plans and Shoreline Management Plans, providing sustainable drainage systems and avoiding impact on the integrity and maintenance of flood defences would ensure resilience and safety. These requirements would accord with national policy as set out in the Framework and Planning Practice Guidance.

Policy 18

148. National policy distinguishes nationally designated habitats from biodiversity in general. If a development is likely to have an adverse effect on a SSSI it should only be permitted in exceptional circumstances where the benefits of the development at the site clearly outweigh the impacts. Policy 18 is not consistent with national policy in this regard. Modification **MM12.15** makes some amendments to distinguish the approach taken to Natura 2000 sites but further modification is needed. I have included additional text in that modification.

149. The Plan is not effective in terms of the approach to be taken to locally designated habitats. Modification **MM12.14** provides an additional paragraph to follow paragraph 12.90 which states that local wildlife sites will be subject to the same assessment criteria as national sites.

150. It is not necessary in the second paragraph of Policy 18 to refer to proposals which do not adversely affect the integrity of international sites as this would preclude consideration of nationally and locally designated sites in circumstances where there is an adverse effect on integrity. In order to ensure consistency with national policy I recommend a modification (**MM12.15**) to reflect this.

151. The supporting text in paragraphs 12.80 and 12.81 do not make any distinction between the criteria applying to nationally and internationally designated sites. In order to provide clarity and thus effectiveness I recommend additional wording to paragraph 12.81. (**MM12.13A**)
152. Paragraph 12.84 should make clear the statutory protection requirement for Protected Species. It should also make clear that surveys are necessary before an application is submitted. As the requirements are statutory and apply to all parties involved it may be misleading to state who is responsible for various actions. I recommend modification in order to ensure effectiveness and consistency with national policy. (**MM12.13B**)

Policy 19

153. Policy 19 as submitted is not consistent with national policy. Modification **12.18** is necessary to ensure soundness. The supporting text also lacks explanation of the information required to be submitted with applications and are inconsistent with national policy in this respect. Modifications **MM12.16** and **MM12.17** address this.

Policy 20

154. Policy 20 does not fully set out policy requirements relating to airfield safeguarding. It would be ineffective and not consistent with national policy. Modifications **MM12.20** and **MM12.21** provide additional policy requirements in terms of a requirement for an aviation impact assessment to be submitted with proposals and to require consultation with aerodrome operators. Explanation of the information that is required to be included in an aviation impact assessment is provided. These modifications are necessary to ensure soundness.

Policy 21

155. Policy 21 is not consistent with national policy on Green Belt and modification **MM12.23** is necessary to address this and to make the Plan sound.

Policy 22

156. Policy 22 applies to development in general across the Plan area. It requires appropriate measures to be incorporated both in the construction and demolition processes and into the development itself to maximise potential for waste to be treated at the highest feasible level in the waste hierarchy. This may require off-site provision of facilities which may require planning obligations subject to the tests in national policy and the Community Infrastructure Levy Regulations 2010. Modifications **MM12.24** and **12.25** provide clarification and effectiveness in these regards.

Policy 23

157. Policy 23 concerns temporary facilities for waste processing or disposal and requires appropriate restoration and aftercare to ensure biodiversity enhancement and compatibility with the landscape. This policy will apply to landfill sites and may also apply to other temporary facilities where restoration may be required. Although no new landfill sites are proposed,

existing sites will require restoration during the plan period. The submission Plan does not explain this. Modification **MM12.26** provides an additional paragraph by way of explanation. I consider this is necessary to ensure the Plan is effective and therefore sound. As landscape establishment and management are key considerations in respect of the Landscape Management Guidelines and the Dorset Biodiversity Strategy the absence of wording in these respects is ineffective. Modifications **MM12.27** and **12.28** are necessary to provide effectiveness in terms of further explanation.

Policy 24

158. Policy 24 safeguards existing and permitted waste facilities of the types set out in Table 11 including sites allocated in the Plan. Local planning authorities are required to consult the WPA on proposals within 250m of those sites, these safeguarding areas being defined on the map at Appendix 4. Exceptions to this requirement for minor developments are set out in Appendix 5. The supporting text in paragraphs 13.11 and 13.12 states that the list of safeguarded sites will be regularly updated through monitoring and that the list will be issued to local planning authorities regularly.
159. The Plan as submitted safeguards non-hazardous landfill sites until expiry of planning permission. This does not allow for possible extension of those facilities if required and the Plan is not positively prepared in this respect. Furthermore it does not safeguard the sites when they are undergoing restoration. Landfill gas would need to be managed. A modification has been made to Table 11 (**MM13.1**) and a modification to paragraph 10.20 (**MM10.5**) to state that two existing landfill sites, which are mothballed, will be safeguarded throughout the Plan period.
160. The policy states that loss of, or impact on, safeguarded waste facilities is unacceptable and will be resisted by the WPA. However criteria (b), (c) and (d) of the policy set out circumstances in which loss of facilities may be permitted. As the criteria are worded as a series of alternatives the justification for the structure of the policy is not clear. In order to ensure the policy is effective, I recommend modifications. (**MM13.2**)

Implementation and Monitoring

161. Modifications have been made to Table 12 to reflect the modifications to the Plan policies and text. Each policy has been linked to specific objectives of the Plan. The table identifies key indicators and targets for each policy, key implementation partners, trigger points for consideration of the need to review policies and implementation issues. The table is effective in ensuring that the plan is implemented. A key indicator that has been added following the hearings is the identification of actual housing completions (**MM14.3**). This will assist in ensuring that waste infrastructure provision is in line with housing growth and therefore the effectiveness of the Plan. Monitoring of how waste is managed will help to gauge the extent to which waste is being moved up the hierarchy and the extent to which self-sufficiency is being achieved.

Conclusions

162. I have identified a number of aspects in which the submitted Plan does not meet the soundness tests in national policy. The schedule of modifications, which includes modifications proposed by the Councils and modifications proposed by myself would ensure that the Plan meets the soundness tests.
163. Subject to those modifications the Plan would make sufficient provision for the management of waste streams arising within the Plan area allowing the area to become self-sufficient in waste management capacity while recognising that there will still be a need for some cross-boundary movements. The network of local and strategic facilities would accord with the proximity principle. The policies provide a robust basis for driving waste management up the waste hierarchy. The allocations provide for flexibility in terms of process, technology and the precise location in terms of the two areas of search.
164. Opportunities for use of waste as a resource are provided in terms of encouragement of co-location. The allocations and development management policies make provision for sustainable development, including in terms of climate change mitigation and resilience. The Plan addresses specific identified gaps in provision such as for green waste composting and waste water treatment.
165. Because much of the Plan area, including around the main centres of population, is designated as Green Belt and AONB there are significant constraints to location of new waste facilities. The Plan has identified existing waste management sites for intensification where possible and has used previously-developed land or land allocated for employment development. The use of green field land for new facilities has been minimised.
166. The HRA makes specific recommendations for policy wording which have been incorporated into the Plan. Subject to further screening under the Habitats Regulations and AA if necessary there are sufficient safeguards in the Plan to ensure that there would be no adverse impact on internationally designated habitats.

Assessment of Legal Compliance

167. My examination of the legal compliance of the Plan is summarised below.
168. The Plan has been prepared in accordance with the Bournemouth, Dorset and Poole Minerals and Waste Development Scheme (MWDS). This was published in 2014 and updated in November 2017. The Plan has been prepared in accordance with the time scales set out in that document. In accordance with the MWDS it sets out the spatial strategy for dealing with waste and includes development management policies and site allocations.
169. Public consultation on the Plan and the modifications has been carried out in accordance with Dorset County Council's Statement of Community

Involvement (SCI) which was published in April 2013. Bournemouth and Poole have separate SCIs but the approach has been co-ordinated with the SCIs of those authorities.

170. The Plan includes policies designed to secure that waste development contributes to the mitigation of, and adaptation to, climate change. The overall approach of the plan towards aiming for self-sufficiency and moving waste up the hierarchy accords with this requirement. Development management policies, in particular Policies 15 and 17 include specific requirements to mitigate against, and provide resilience to, climate change.
171. I have examined the Plan for consistency with national policy and have tested it for soundness against national policy. Subject to the MMs the Plan is in accordance with national policy.
172. A sustainability appraisal (SA) has been undertaken and the post-submission MMs were also subject to SA. The SA considers alternative options and has been carried out in an iterative manner. In particular given that much of the Plan area is designated as Green Belt or AONB the consideration of alternative sites has formed an important part of the Plan process. The SA has adequately assessed the alternatives at each stage of the Plan process.
173. As previously noted a HRA has been carried out having regard to recent case law. This concludes that the Plan could potentially result in negative effects on international habitats depending on the nature of individual proposals but recommends policy wording to ensure that such harm is avoided and that the requirements of the Habitats Regulations are complied with. This wording has been included in the Plan.
174. The Plan complies with the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). I have had due regard to the Public Sector Equality Duty under S149 of the Equality Act 2010 in undertaking the examination. The Plan is fully consistent with that duty.

Overall Conclusion and Recommendation

175. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Bournemouth, Dorset and Poole Waste Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Nick Palmer

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.

