The Planning Inspectorate

Report to the Joint Merseyside and Halton Councils (The Joint Councils)

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an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 4th March 2013

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE JOINT MERSEYSIDE AND HALTON WASTE LOCAL PLAN

Document submitted for examination on 17 February 2012

Examination hearings held between 19 and 27 June 2012

File Ref: PINS/H4351/429/4

Abbreviations Used in this Report

§	Paragraph
AA	Appropriate Assessment
ABP	Associated British Ports
AD	Anaerobic Digestion
AMR	Authority Monitoring Report
APC	Air Pollution Control
C&I	Commercial and Industrial
CD&E	Construction, Demolition and Excavation
CHP	Combined Heat and Power
Defra	Department of environment, food and rural affairs
EA	Environment Agency
EfW	Energy from Waste
ELV	End of Life Vehicle
Framework	National Policy Planning Framework
ha	Hectare
HWRC	Household Waste Recycling Centre
HRA	Habitats Regulations Assessment
IBA	Incinerator Bottom Ash
IVC	In-Vessel Composting
JMWMSM	Joint Municipal Waste Management Strategy for Merseyside
JRWMS	Joint Recycling and Waste Management Strategy
LACW	Local Authority Collected Waste
LATS	Landfill Allowance Trading Scheme
LDF	Local Development Framework
LDS	Local Development Scheme
MBT	Mechanical Biological Treatment
MEAS	Merseyside Environmental Advisory Service
MM	Main Modification
MRF	Material Recycling Facility
MRWA	Merseyside Recycling and Waste Authority
MSW	Municipal Solid Waste
MW	Megawatt
MWP	Merseyside Waste Partnership
NA	Needs Assessment
NWRTAB	North West Regional Technical Advisory Body
PFI	Private Finance Initiative
PPS 10	Planning Policy Statement 10: *Planning for Sustainable Waste Management*
RDF	Refuse Derived Fuel
RRC	Resource Recovery Contract
RRP	Resource Recovery Park

RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEA	Strategic Environmental Assessment
SO	Strategic Objective
SRF	Solid Recovered Fuel
t	tonne
tpa	tonnes per annum
WDA	Waste Disposal Authority
WEEE	Waste Electrical and Electronic Equipment
WLP	Waste Local Plan
WPA	Waste Planning Authority
WRAP	Waste and Resource Action Programme
WTS	Waste Transfer Station
WWTW	Waste Water Treatment Works

Non-Technical Summary

This report concludes that the Joint Merseyside and Halton Waste Local Plan (the Plan) provides an appropriate basis for waste planning for Merseyside and Halton over the next 15 years providing a number of modifications are made to the Plan. The Joint Councils have specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All of the modifications to address this were proposed by the Joint Councils, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Include a policy and supporting text on the presumption in favour of sustainable development;
- Amend the wording of the overarching strategic approach to more appropriately reflect the balance of imports and exports envisaged;
- Relax the general waste management restriction on allocated sub-regional sites to allow port related uses on sites L1 and W1;
- Remove site S1 as a sub-regional allocation and replace it with site S1a;
- Remove site H3 as a district level allocation;
- Clarify how the criteria for change of use applications from waste management should be met, and restrict them to built facilities;
- Allow extensions of time for existing, operational landfills, subject to criteria;
- Assess proposals for built facilities on unallocated sites rather than justifying them;
- Amend the Energy from Waste (EfW) Policy to assess applications against criteria, and to generally require Combined Heat and Power (CHP); and
- Assess proposals for landfill on unallocated sites against criteria rather than justifying them, and amend the wording to provide a more positive approach.

These changes do not materially alter the thrust of the Joint Councils' overall strategy.

Introduction

1. This report contains my assessment of the Joint Merseyside and Halton Waste Local 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, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (the Framework) at paragraph 182 makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.

2. The Plan was produced by the Joint Councils on behalf of its six constituent waste planning authorities, namely Halton Council, Liverpool City Council, Knowsley Council, Sefton Council, St. Helens Council and Wirral Council. The geographical area covered by these authorities is referred to as the sub-region in this report.

3. The starting point for the examination is the assumption that the Joint Councils have submitted what they consider to be a sound plan. The basis for my examination is the submitted draft plan dated November 2011 which is the same as the document published for consultation in November 2011.

4. My report deals with the main modifications that are needed to make the Plan legally compliant and sound and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Joint Councils requested that I should recommend any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.

5. The main modifications that go to soundness have been subject to public consultation, Sustainability Appraisal (SA), and Habitats Regulations Assessment (HRA) where necessary. I have taken the consultation responses into account in writing this report.

Assessment of Duty to Co-operate

6. Section s20(5)(c) of the 2004 Act requires that I consider whether the Joint Councils have complied with the duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. The Joint Councils have provided written evidence of how they have met this duty[1], which is summarised in the following paragraphs, and there have been no substantive challenges to this.

7. On a local basis within the sub-region, the six district Waste Planning Authorities (WPAs) have worked closely with each other to produce the joint Waste Local Plan (WLP). Through the Merseyside Waste Partnership (MWP), (which consists of the Waste Disposal Authorities (WDAs) for Halton and Merseyside, now Merseyside Recycling and Waste Authority (MRWA) and the six Waste Collection Authorities) the Waste Planning Authorities and MEAS

[1] Compliance with Duty to Co-operate [PS-039] and section 1.1 of the statement on legal issues [EXAM-001].

have been able to fully co-operate. Other key stakeholders have also been able to have considerable input.

8. The Plan is intended to promote synergies in the provision of waste infrastructure, recognising that much of the required capacity would best be served by medium or large scale facilities of sub-regional significance. Co-ordination across the Plan area is considered to provide an effective means of selecting the most appropriate sites, and establishing a level playing field for the WPAs who share a common vision, strategic objectives and policies.

9. On a wider basis, the WPAs have set out to be proactive by liaising and consulting with relevant public and private sector bodies since commencement of the Plan preparation process in 2006, and throughout. This included setting up a Stakeholder Group and Technical Advisory Group to assist with developing policy, testing assumptions and to obtain feedback on how the waste industry is changing and adapting.

10. The evidence demonstrates that the WPAs have co-operated with other authorities and industry bodies, which included representation on the North West Regional Technical Advisory Body (NWRTAB). Merseyside Environmental Advisory Service (MEAS), who work in an advisory capacity for the Joint Councils, also represented the Liverpool City Region, which includes the area of the sub-region and beyond, on several waste planning forums and steering groups. The documents show that all adjacent WPAs have been consulted regularly, including the relevant county, district, parish and town councils, as have the relevant statutory bodies, who have contributed appropriately to the Plan process.

11. Amongst the WPAs consulted is Cheshire West and Chester Council, who during the Plan period may receive Merseyside's residual Local Authority Collected Waste (LACW) depending on the outcome of final bids for the MRWA Resource Recovery Contract (RRC). Whereas the only other WPA involved, Redcar and Cleveland, has not been consulted, the bidding has been conducted separately from and outside of the Plan making process and, being a contractual matter not in the control of Merseyside and Halton's constituent WPAs, is unaffected by the duty co-operate.

12. From the submitted evidence I consider that the Joint Councils have worked closely throughout the period of Plan preparation with the relevant prescribed bodies and persons, other statutory and regulatory organisations, other authorities, and the waste industry. Therefore, taking all factors into consideration, I am satisfied that this amounts to constructive, active engagement on an ongoing basis. Consequently, the duty to co-operate has been fulfilled.

Assessment of Legal Compliance

13. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development	The WLP is identified within the various approved

Scheme (LDS)	LDSs. The LDSs have been updated regularly during the Plan preparation process to reflect progress and plans for production of the WLP. The WLP content and timing is compliant with the LDSs.
Statement of Community Involvement (SCI) and relevant regulations	The SCIs were adopted on the following dates: Halton – July 2006; Knowsley - January 2007; Liverpool - July 2007; Sefton - October 2006; St Helens – January 2007; Wirral - December 2006. All stages of consultation were compliant with the requirements of all of the six District SCIs, including the consultation on the post-submission proposed 'main modification' changes (MM). Where there were specific Districts requirements additional to those of other Districts, they were met within that District.
Sustainability Appraisal	The SA has been carried out by external consultants and repeated/updated as required at each consultation stage, including the main modification consultation stage. The SA reports are all available in the documentation library and have not been challenged at any stage. The approach to and implementation of the SA is adequate.
Habitats Regulations Assessment	Habitats Regulations Assessment screening (September 2008) revealed the need to undertake an AA. The HRA was undertaken by external consultants and was subject to consultation with statutory consultees. The HRA was updated appropriately as the Plan progressed through the consultation stages, including the main modification consultation stage. The HRA reports and the comments from statutory consultees recommended changes which were implemented in the submitted Plan.
National Policy	The WLP complies with national policy.
Regional Spatial Strategy (RSS)	The WLP is in general conformity with the RSS.
Sustainable Community Strategy (SCS)	An analysis of the six District SCSs came to the following conclusion: "It can be concluded that the policy content and process of producing the Waste DPD supports each of the SCSs in making improvements towards a more sustainable society." Satisfactory regard has been paid to the SCSs.
2004 Act (as amended) and 2012 Regulations.	The WLP complies with the Act and the Regulations.

Assessment of Soundness

Preamble

14. Although the Government intends to abolish RSSs through implementation of the Localism Act, the RSS was still extant at the time of producing the

Publication Version of the WLP. The North West region was preparing a single Regional Strategy, and had produced a significant amount of supporting evidence, which can still be used to support LDFs, post introduction of the Localism Act. The waste-related evidence has been used to support the needs assessment and policy positions in this WLP, although this has been supplemented with more recent data where appropriate. The WLP covers the issues addressed by the RSS, which will still be relevant when the RSS is finally abolished. The WLP is in general conformity with the RSS.

Main Issues

15. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified six main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the vision and spatial strategy are the most appropriate to meet the waste management requirements of the sub-region.

Vision

16. The nub of the Plan's vision is to develop a network of sustainable waste management facilities to enable local communities to be as self sufficient as possible by moving waste management up the hierarchy. The strategic objectives (SOs), flow from the vision to identify how it will be delivered, and are reflected by and appropriately linked to the development management policies (WM 7-WM 16), which provide guidance to potential developers. The overarching strategic approach is resource recovery led, and provides a long term strategy for achieving the vision. In general, these various elements comply with the SA objectives[2].

17. However, there are issues with some of the development management policies, and the Joint Councils have requested main modifications to make them sound. **MM 5** has been requested to Policy WM 7 (Protecting Existing Waste Management Capacity) in order to clarify the extent to which the criteria have to be met to render a change of use from waste management acceptable, and to restrict these criteria to built facilities.

18. **MM 6** has been requested to Policy WM 13 (Waste Management Facilities on Unallocated Sites) to achieve a more positive approach and greater certainty for developers. The additional and amended wording to these Policies makes them more effective, and therefore, I endorse these modifications. Other main modifications to development management policies are discussed under Issues 3 and 4.

19. It has been queried whether SO1, which relates to planning for sufficient facilities to meet need, is deliverable. This should be read in the context of the vision relating to self sufficiency. Absolute self sufficiency is unlikely to be achievable in the sub-region, or indeed in most other WPA areas, as waste management is driven by commercial contracts that often result in cross boundary movements.

[2] Sustainability Appraisal and Strategic Environmental Assessment of the Proposed Submission Document, August 2011 [PS-003].

20. The evidence base suggests that, despite the sub-region's reliance on exports to landfill, its range of existing recycling, reprocessing and treatment facilities, coupled with its resource recovery strategy, should attract sufficient imports to enable net self sufficiency by about 2016/17. In fact part way through the Plan period, it is envisaged that waste management capacity will be greater than the sub-region's identified needs.

21. The Plan provides for additional built facilities to compensate for landfill exports in an attempt to balance imports and exports. This balance is referred to within the overarching strategic approach. However, its reference to importing equivalent material for secondary treatment as is exported to landfill is inappropriate, as some of the material sent to landfill cannot be treated.

22. Therefore, the Joint Councils have requested **MM 2**, which alters the wording so as to seek to balance quantities of waste instead. There have been objections to this modification and to the concept of balancing exports for landfill with imports for treatment, on the basis that this sort of balance is not a valid form of self sufficiency and, therefore, makes the Plan unsound. However, PPS10 does not require absolute self sufficiency, and in this case Merseyside and Halton are unable to provide a more positive approach to landfilling due to demographic, land use, hydro-geological and other constraints. Therefore, the most appropriate option is to balance the landfill shortfall with additional recycling and treatment capacity. In my judgement the amended wording is justified and, therefore, I endorse this modification.

23. Since submission of the Plan for examination, the Framework has been published, paragraph 15 of which requires all plans to reflect the presumption in favour of sustainable development. In order to fully satisfy this requirement the Joint Councils have requested **MM 1**, which is an additional policy on the presumption in favour of sustainable development. This enables the Plan policies to clearly reflect the vision of providing sustainable waste management facilities, and ensures that there is proper compliance with the Framework, and, therefore, I endorse it.

24. Natural England has commented that it would like to have policies included in the WLP that recognise the importance of soils, landscape quality, green infrastructure, sustainable design, and for the WLP to refer to the need to conserve and enhance the natural environment. However, I am satisfied that these issues are already appropriately encompassed within the Plan's vision, objectives and policies. Consequently, there is no need for any modification in this respect.

Spatial Strategy

25. The Spatial Strategy and Sites Report of November 2008[3] set out three spatial strategy options for built facilities, namely, the Sub-regional Site Approach, the Waste Arisings Option, and the Resource Recovery Park Option. However, the 2008 SA questioned the sustainability of the latter two approaches, and stated that the first option was the most sustainable, as it was robust and provided flexibility. There was also strong support for the Sub-regional Site Approach and, therefore, it was put forward as the preferred option and was

[3] [PS-010].

included in the submission document.

26. The Sub-regional Site Approach follows on from the vision by allocating one large sub-regionally significant site of over 4.5ha within each of the districts, together with a range of smaller diffuse sites of between 4.5 and 0.5ha throughout the districts. This takes account of proximity to waste arisings and seeks to ensure that all of the districts contribute to meeting identified need.

27. The spatial pattern for built facilities is, amongst other things, informed by the network of existing operational and pipeline facilities so that sites are allocated within existing clusters of waste management/industrial facilities where possible. This provides opportunities to create synergies through co-location, resulting in better use of waste as a resource, and for the generation of renewable energy.

28. The number of sites allocated is derived from typical site capacity requirements for the relevant broad categories of waste management facilities, and the NA's forecasts of need. This accommodates both the optimistic and pessimistic scenarios. Furthermore, in recognising the uncertainties of the waste industry and to provide flexibility, a contingency of about 30% has been added to cater for possible unavailability or undeliverability.

29. MEAS has indicated that, since the site area and tonnage requirements were identified, there have been significant advances in technology. One of the outcomes of this is that it is feasible to build higher capacity facilities on smaller areas of land. This adds more flexibility for developing built facilities.

30. There are no site allocations for non-inert, non-hazardous landfill, given the failure to identify any suitable sites. Two sites are allocated for inert landfill and this satisfies the identified need for this waste stream.

31. The Plan's site allocation policies (WM 1-WM 6) provide clear guidance to developers on site prioritisation, allocated sites and their suggested broad waste management uses, and areas of search for additional small scale operations and an additional Household Waste Recycling Centre (HWRC). However, main modifications are required to some of the individual sites identified in Policies WM 2 (Sub-regional sites) and WM 3 (District level sites). This is addressed under Issue 5.

Assessment

32. I consider that the preparation of the vision, strategies and objectives was systematic, comprehensive and convincing. There is a clear link between the high level strategies and the Plan policies which seek to deliver them, and sufficient flexibility is incorporated to accommodate changing circumstances and the loss of some capacity/sites. This robust and pragmatic approach accommodates all reasonable and foreseeable eventualities.

33. The evidence demonstrates that, with the identified main modifications, the vision, SOs, overarching strategic approach, and spatial strategy are positively prepared, justified and effective. The Plan is consistent with national policy, and seeks to drive waste management up the waste management hierarchy, resorting to disposal as the last option.

Issue 2 – Whether there is evidence of any shortfall of waste management capacity within the Plan period for the principal waste streams.

Overview

34. The Plan is informed by a detailed evidence base of waste arisings and forecast waste management needs to 2030, which has been updated several times during Plan preparation to take account of changing circumstances and new information. The Needs Assessment (NA)[4] draws on over 30 assumption sets about how the waste streams will change over the Plan period and how the methods for managing them will evolve. Whilst not every assumption has been substantiated, all principal assumptions have been peer reviewed. I am satisfied that these assumptions are appropriate and realistic.

35. The NA's approach to assessing capacity assumes that all waste management facilities that had planning permission by the end of 2010 will come on stream, even where work has not yet commenced on site. This is referred to as "pipeline" capacity. However, it includes a sensitivity test which assesses the need for capacity if none of these facilities come forward. Furthermore, where a contract is in place (or at an advanced stage of negotiation) to manage wastes from outside the sub-region, (eg Ineos Chlor-Vinyls in Runcorn) the available long-term capacity has been reduced proportionally.

36. The Plan predicts an "envelope" of waste management needs for three of the four principal waste streams, (LACW, Commercial and Industrial (C&I), Construction, Demolition and Excavation (CD&E)). This consists of an upper bound pessimistic forecast and a lower bound optimistic forecast.

37. The pessimistic forecast assumes the maximum realistic growth rate for each stream, and reflects lower rates of recycling and treatment and greater reliance on landfill. It assumes a 1-2 year delay in bringing into service any treatment and recycling facilities that have planning permissions but which are not yet under construction.

38. The optimistic forecast assumes, in most cases, a gentle drop of arisings over the next few years due the combined effects of the recession and waste minimisation initiatives reflecting higher rates of recycling and landfill diversion. It assumes that the consented facilities will be operational on time, thereby enabling higher diversion rates to be achieved sooner.

39. Using this envelope model provides a flexible approach with scope to accommodate the many uncertainties apparent within the waste industry. I consider that it is a sound basis upon which to assess need.

LACW

40. The sub-region's LACW, previously known as Municipal Solid Waste (MSW), is now managed in accordance with the recently adopted Joint Recycling and

[4] The fifth NA - (Publication Stage) dated July 2011, which takes 2010 as the base year for forecasts [PS-006].

Waste Management Strategy (JRWMS) 2012[5], and formerly by the Joint Municipal Waste Management Strategy for Merseyside 2008 (JMWMSM)[6] by the District Waste Collection Authorities and MRWA. Plan forecasts are based on total arisings for 2009/10 as released by Defra in November 2010. Whilst the data shows that LACW arisings have generally grown over the last 50 years, there has been a small decrease over the last few years as waste reduction initiatives have started to impact.

41. The NA indicates that currently more than 60% of LACW is recyclable or compostable and this is assumed to remain the case throughout the Plan period. However, in the 2009/10 baseline year only about 35% of household waste[7] is recycled or composted and consequently, there is significant scope for improvement. The Plan assumes that the national recycling/composing target of 50% by 2020 will be achieved, and that food waste collections will expand in the future[8].

42. The pessimistic approach is adapted from growth rates stated in the 2008 JMWMSM, with slight adjustments to reflect the effects of a short recession to 2015, with recovery assumed thereafter. The optimistic approach assumes that the level of collected waste per household falls to the national average by 2020, and is based on advice from the NWRTAB.

43. In 2010 the total LACW arisings were 836,000t. The pessimistic forecast shows this increasing to 860,000t in 2030 and the optimistic forecast shows a decrease to 809,000t in the same period. The figures take account of additional waste generated by new households created over the plan period, based on the RSS and the successful housing growth-point bids made by districts within the sub-region.

44. In terms of waste management capacity, the NA indicates that most of the facilities within the sub-region do not operate at full capacity. MRWA handles all LACW via contracts with waste management companies. Veolia has the recycling contract to operate facilities within the sub-region. These consist of HWRCs with a throughput of 240,000tpa[9], Waste Transfer Stations (WTSs) with a capacity of 1,150,000tpa[10] and Materials Recycling Facilities (MRFs) with a capacity of 200,000tpa[11]. In 2010 about 27% (223,000t) of LACW was recycled[12].

45. In addition to MRWA's facilities, a number of open windrow composting facilities operate on a merchant basis, which have a capacity of 127,000tpa[13] and handle both LACW and commercially collected green waste. In 2010

[5] Covering the period 2011-2041- draft JRWMS is at [PS-048]. Halton previously had a separate Waste Management Strategy but the JRWMS applies to all members of the MWP including Halton.
[6] [PS-047]. This does not include Halton.
[7] LACW consists of about 90% household waste and 10% C&I waste.
[8] This is also assumed in the JRWMS 2011-2041 – draft at [PS-048].
[9] Over 16 sites.
[10] Over 4 sites.
[11] At Bidston and Gillmoss, both of which are now operational.
[12] MEAS needs assessment forecast models – appendix to LACW paper [Exam-002].
[13] Over 5 sites. This excludes the Whitemoss composting facility (65,000tpa) because it straddles Merseyside and West Lancashire.

about 1% (8,000t) of food waste and 9% (76,000) of green waste was composted. Nonetheless, the Plan identifies a need for four food waste treatment plants, either Anaerobic Digestion (AD) or In-Vessel Composting (IVC) and possibly another open windrow composting facility, all of which could take both C&I and LACW.

46. The NA indicates that some recyclables, derived from the HWRCs and MRFs, are sent to merchant reprocessors within the sub-region who recycle plastics, glass, Waste Electrical and Electronic Equipment (WEEE), plasterboard, paper and metals with an overall capacity in excess of 940,000[14]. Other recyclates are processed outside of the sub-region.

47. Residual LACW, amounting to 63% (529,000t) of total LACW in 2010, including 94,000t (14%) rejected from HWRCs and MRFs, will continue to be exported until 2015 by road to WRG's (now FCC) Arpley Landfill in Warrington, as there is a significant shortfall of landfill capacity within the sub-region.

48. However, as new technology develops more waste is being diverted from landfill and a greater range and quantity of waste is being recycled, reused or treated. Considerable thermal capacity in the order of 1.5 million tonnes has already been consented, some of which is operational and of regional significance.

49. Ineos Chlor-Vinyl's CHP facility alone will have a total capacity of 850,000tpa RDF/SRF[15], equivalent to 1.7 million tpa of untreated, residual waste, when fully operational. Phase 1 (425,000tpa of RDF/SRF) is set to be commissioned in early 2013, and phase 2 (425,000tpa of RDF/SRF) by mid 2014. Although Greater Manchester's LACW will take up 275,000tpa of RDF/SRF capacity, Cheshire's LACW, which was earmarked for this facility, is no longer expected to be sent here. Therefore, available capacity of 575,000tpa of RDF/SRF exists.

50. Wirral Council has advised that the Biossence CHP facility, which is intended to reduce 400,000tpa of untreated, residual waste by 40% to produce a floc for combustion in its gasification plant, has had its planning conditions discharged, and implemented its permission in July 2012. Construction has started on the roadway access and the prospects of the facility being built out appear to be reasonable. The planning permission for the Energos CHP gasification plant in Kirkby, with a 96,000tpa capacity for untreated, residual waste, was implemented in May 2012. The company has stated publicly that it expects to begin groundwork and construction during the current financial year.

51. However, none of these facilities is expected to receive the sub-region's residual LACW, which will be sent to an EfW facility outside of the sub-region under MRWA's Resource Recovery Contract (RRC). Final tenders are currently in the process of being evaluated with a view to choosing the provisional preferred bidder. This will either be Covanta/Peel and their EfW facility at Ince Marshes in Cheshire West and Chester, or SITA/Sembcorp and their EfW facility at Wilton in Teesside. Although as yet un-built, it is expected that the chosen facility will be operational by 2016. The Plan has provided a contingency allocation for a facility to pre-treat this waste, with a capacity in

[14] Over about 24 sites.
[15] RDF/SRF is created by treating raw waste which reduces its mass by about 50%.

the range of 350,000 to 400,000tpa, should this be required.

52. As this EfW facility is funded through Waste Infrastructure Credits, formerly known as Private Finance Initiative (PFI), and is contractually secured for the long term to handle all of the sub-region's residual LACW, (estimated to be up to ca. 400,000tpa), the NA has included it as sub-regional capacity.

53. In the meantime, whilst awaiting commissioning of this RRC facility, MRWA procured a 3 year Interim Framework Contract for waste management services in July 2012. The first tranche is for 40,000t for one year from August 2012, although MRWA has the potential under the contract to procure up to 200,000tpa until 2014/15[16].

54. The NA reflects the evolution in waste management in its assumptions on management mix and quantities being recycled, treated and landfilled for the two forecast bounds. The projected change, excluding any implications flowing from the Interim Framework Contract, indicates that overall reliance on landfill will decrease significantly over the Plan period, whilst the capacity requirements for recycling and treatment will increase.

C&I

55. Details of arisings and management methods are based on the 2006 and 2009 North West regional surveys commissioned by the Environment Agency (EA)[17]. The latter, which was reported in February 2010, has an interrogator facility that has been used to analyse the composition of this stream by material type. The results have been used to make a professional judgement of the extent to which materials that are not currently being recycled or composted can be diverted for treatment or recycled in the future.

56. The NA indicates that about 60% of this waste is recycled, and both the optimistic and pessimistic approaches assume that scope for improvement is limited to about 65%. This is because a large part of the residual material comprises contaminated mixed waste that is difficult to decontaminate to reprocessors' quality targets.

57. Growth trends for the two streams are different, with commercial wastes having increased at about 2% per annum over the last 10 years, whilst industrial wastes have declined at almost double this rate over the same period.

58. With respect to commercial waste, following discussions with the local waste management sector, the NA does not predict this rate of growth to continue throughout the Plan period. This reflects the prediction that recovery from recession is unlikely to occur before 2015, and takes account of the effects of the extension of the Courtauld Agreement[18], the Producer Responsibility Regulations, and other initiatives to reduce waste creation rates. It also recognises the sub-region's higher than average level of public sector

[16] See: http://www.merseysidewda.gov.uk/2012/11/merseyside-interim-waste-contract-appoints-three-to-framework/.
[17] [PS-018] and [PS-045].
[18] A voluntary agreement between retailers and WRAP to improve resource efficiency and reduce the carbon and wider environmental impact of grocery retail.

employment, which is undergoing significant cutbacks.

59. The optimistic forecast shows a reduction in commercial waste arisings over the Plan period from 751,000t in 2010 to 733,000t in 2020, remaining constant at this rate up to 2030. The pessimistic forecast shows a decline from 751,000t in 2010 to 742,000t in 2015, rising to 791,000t by 2030.

60. As regards industrial waste, the NA assumes that recession will continue to drive down arisings, but at a lessening rate, with the decline bottoming out after 2013. This is as a result of the rate of business closures and reduced manufacturing capacity slowing down and/or being replaced by corresponding new facilities. The optimistic forecast is based on these assumptions, indicating a fall from 354,000t in 2010 to 331,000t in 2015 and remaining at this level up to 2030. To provide sufficient flexibility, the pessimistic forecast assumes no change in arisings of 363,000t throughout, following discussion with the waste industry.

61. The NA states that most facilities for managing C&I in the sub-region do not operate at 100% capacity either because they are not fully utilized or because of downtime for maintenance. It shows that there is considerable MRF(140,000tpa) and WTS(440,000tpa) capacity, and refers to several privately operated open windrow composting facilities, which also take LACW(127,000tpa)[19]. It also assumes delivery of an enclosed AD/IVC plant (50,000tpa) provided by New Earth Solutions in Widnes.

62. Nonetheless, the Plan identifies a need for four additional food waste treatment plants (AD or IVC), and possibly another open windrow composting facility, all of which could take both C&I and LACW. Part of this capacity gap may now be met by Granox, who obtained planning permission in October 2012 to build a 90,000tpa AD plant, which is expected to become operational in late 2013. A range of re-processors also serve both the C&I and municipal sectors with capacity of about 942,000tpa[20].

63. With respect to primary treatment capacity for residual C&I, the NA refers to two consented facilities within the sub-region. One is for a 150,000tpa autoclaving facility at Garston Dock which, if it came forward, would produce RDF/SRF. The other is a 200,000tpa MBT/IVC plant at Widnes Waterfront. However, in both cases the potential operators, Jack Allen Holdings, and New earth Solutions have withdrawn their interest, although the permissions are still extant and other operators may come forward. The permitted capacity on these sites is only half of what was originally sought, indicating potential for future expansion. The Plan identifies a possible need for one additional pre-treatment facility.

64. As regards secondary thermal treatment, the NA identifies significant consented capacity, some of which is already operational and some of which is likely to come forward. Whilst EMR has not yet implemented its planning permission, it is understood that it intends to proceed with building a specialised plant, although Granox's EfW permission has now lapsed. Nonetheless, the NA does not identify any additional need for secondary thermal treatment and the plan is sufficiently flexible to accommodate this non

[19] This is the same figure as referred to above for LACW capacity and is not additional.
[20] This is the same figure as referred to above for LACW capacity and is not additional.

delivery.

65. However, the situation is different for landfill disposal. There is currently a need for over 400,000tpa of landfill capacity for non-inert, non-hazardous C&I waste, albeit this is forecast to significantly reduce over the Plan period. Currently, average capacity of 205,000tpa[21] is provided by the sub-region's only non-inert, non-hazardous landfill site at Lyme and Wood Pits[22] although, for this waste stream, it is time limited to June 2016, by which time it is likely to be at full capacity. Consequently, there will be a capacity shortfall, which cannot be met within the sub-region. This is discussed under Issue 4 below.

66. About 1% of commercial and 9% of industrial waste is estimated as being inert[23], some of which (between 119,000 and 33,000tpa during the Plan period) also needs to be landfilled. However, sufficient capacity is forecast to manage this waste stream as discussed under *CD&E Waste* below.

CD&E Waste

67. The NA draws on data from the 2006 NWRTAB regional survey reported in July 2007, although this was apparently compromised by a lack of data on waste arisings. However, following checks and adjustments, the NA estimates that around 2.4 million tpa were created at that time. Subsequent growth projections have been based on discussions with representatives of the local waste management industry, specifically companies that principally handle inert construction waste.

68. The NA estimates that current recycling/spreading of CD&E of about 65% will increase to 80% by 2020, beyond which there will be little scope for improvement[24]. It assumes that landspreading will fall from the current 25% to 10% over the same period due to changes in the permitting regime bringing landspreading within the scope of landfill tax and also imposing lower limits on quantities that may be deposited. The quantity of waste for landspreading is forecast to be in the order of 240,000tpa throughout the Plan period.

69. Having regard to the impact of the recession, but also recognising the likely effects of proposed major developments within the sub-region such as Wirral Waters, Liverpool Waters and the second Mersey Crossing, the NA estimates some modest growth in CD&E waste arisings although total arisings will not exceed pre-recession levels. The pessimistic scenario forecasts a gentle but steady increase in arisings from 2.22 million t in 2010 to 2.38 million t in 2030, whilst the optimistic scenario indicates a lower rate of growth to 2.27 million t in 2030.

70. It is estimated that just over one third of this waste stream is recycled at source. This is predominantly inert material comprising crushed concrete, stone, hardstanding and similar materials which can be re-used on site. The remaining recyclates are taken off-site to a range of over 60 WTSs, skip hire

[21] St Helens Planning Consent ref : P/2012/0156.
[22] This capacity is shared with inert waste.
[23] Categorised as mineral waste not CD&E waste.
[24] Taking account of WRAP's finding in *Construction, Demolition and Excavation Waste Arisings, Use and Disposal for England 2008,* April 2010.

facilities and reprocessors[25] with a combined capacity of 1.29 million tpa[26].

71. With respect to residual CD&E waste, proposals for biomass EfW facilities, which would use waste wood as a fuel, are currently at different positions in the planning system. However, landfill is currently the main disposal option with between 378,000[27] and 156,000tpa[28] of estimated capacity being required in decreasing quantities throughout the Plan period.

72. It is estimated that about 95% of this waste is inert, consisting of soil, stones, sludge and aggregates[29]. The small remaining fraction requires non-inert, non-hazardous landfilling, for which there is currently capacity at Lyme and Wood Pits, which can also take inert waste until restoration contours are achieved[30]. However, its available void space is limited and is shared with residual C&I waste.

73. There are currently no other active landfill sites in the sub-region, which could receive inert waste. However, two mineral extraction sites have permission to restore with inert waste by landfilling. These are Bold Heath Quarry in St. Helens, with permitted void space of 2.43 million m^3, and Cronton Claypit in Knowsley, with permitted void space of 0.75-1.0 million m^3. After meeting with the relevant operators, MEAS indicated a strong, realistic prospect of both sites delivering the capacity to meet this need.

74. However, void creation depends upon the demand for crushed sandstone (Bold Heath) and brick clay (Cronton), which dictates the rate of mineral extraction. Both the pessimistic and optimistic scenarios indicate a shortfall in 2026-2027, (with the pessimistic approach showing a slight shortfall in 2012-2013). Nonetheless, overall capacity during the Plan period is expected to exceed requirements by a margin of between 1.141 and 0.857 million t.

Hazardous Waste

75. Arisings are based on 2009 data released by the EA in its Hazardous Waste Interrogator tool. The hazardous waste sector is organised so as to provide a regional and national network of facilities. Therefore, there is significant cross boundary movement of this waste in both directions. The NA has taken the management need to be the sum of locally arising waste that remains in the sub-region plus that which is imported. Arisings totals for the other main waste streams have been reduced to take account of their hazardous fractions.

76. Historical data shows that generally arisings managed in the sub-region have been steady, although exported waste has declined over the 10 years up to 2009. Therefore, limited change is forecast and the model does not use the pessimistic/optimistic approach, but rather makes one set of assumptions

[25] Some of which handle only CD&E waste.
[26] This is a reduction from 2.6 million tpa, as the figure now excludes three sites at Simonswood, which straddles the border with West Lancashire.
[27] 2012 optimistic forecast.
[28] 2027 pessimistic forecast.
[29] Based on the EA's interrogator tool of waste passing through inert waste transfer stations, skip hire sites and similar facilities in the sub-region in 2010.
[30] St Helens Planning Consent ref P/2012/0156. The 2012 permission now includes a time restriction for completion.

leading to a slight further reduction from 158,000tpa in 2010 to 154,000tpa in 2015, remaining steady thereafter. In 2009, the management mix data shows that 33% of waste was treated or recovered, 44% was recycled, 23% was landfilled and virtually nothing was incinerated.

77. The NA shows that WTS capacity stands at 425,000tpa[31], and reprocessing capacity amounts to 735,000tpa of which about two thirds relates to waste oils received from a national catchment. It also indicates that there is treatment capacity of 40,000tpa at Veolia's Garston Dock plant, for which planning permission was granted in March 2012 for a small EfW facility for burning hazardous residues.

78. There is also hazardous landfill/landraise capacity at Ineos Chlor-Vinyls' Randle Island site, which I understand is consented until 2040. Since 2006 a new permission has relaxed its restrictions, so that it is now permitted to accept waste on a merchant basis from third parties. I am told that deposits of about 25,000tpa are currently received, which is significantly below its annual capacity, indicated in the NA as being 220,000tpa.

79. Over the Plan period, the need for landfilling hazardous Air Pollution Control (APC) residues may increase as more thermal treatment facilities come on stream. The NA assumes 3% of waste burned in conventional EfW plants will be APC residues, as will 1% of waste treated by gasification. However, there is a facility within the sub-region (FIS Ltd. in Kirkby), which is capable of reprocessing APC residues into a secondary aggregate, and Ineos Chlor-Vinyls has indicated that it is considering opportunities to recycle these materials as the market for such products is beginning to develop. However, the NA assumes that APC residues will not be recovered throughout the Plan period and will be sent to the Minosus deep site in Winsford (Cheshire West and Chester), thereby taking a more pessimistic approach.

80. Overall, the NA does not identify a need for additional hazardous waste facilities. However, as a contingency, an additional treatment facility is provided for part way through the Plan period.

Other Waste

81. MEAS has estimated the quantity of agricultural waste at 19,000tpa based on the results of a sub-regional survey undertaken in 2007. The survey shows that less than 10% is non-natural, such as plastics, silage wrap, machinery, waste oils, and pesticides, some of which can be managed in existing facilities. The rest consists of materials such as straw and organic slurry, all of which is disposed of at source, normally by land spreading or a similar activity. The NA does not identify any change, or any need for specific provision for the small balance of diverse residual waste, as this can be managed with other C&I waste.

82. The quantity of low and very low level radioactive waste is small, estimated by the EA in 2006 at 3,260 GBecquerels, mainly from hospitals. Virtually all of this is disposed of to sewer, with a minute quantity being sent to a hazardous site for incineration. The NA assumes that arisings will remain constant and does not identify a need for additional disposal capacity.

[31] Over 13 sites.

83. United Utilities manages waste water through a network of treatment works and a sewage sludge incinerator at Shell Green in Widnes, which is regionally significant for the Mersey Belt, taking waste by pipeline from Greater Manchester as well as the sub-region. The NA does not forecast any change and United Utilities has not identified a need for new sites.

Site requirements and contingencies

84. For built facilities the Plan contains a table[32] for each of the optimistic and pessimistic approaches, which summarises the mass balance quantities. The figures are the result of subtracting capacity (from operational facilities or those under development) from arisings to show the additional capacity required. Black figures show the capacity gap and red figures indicate a shortfall. A typical capacity for each type of facility is set out, and from this the required number and phasing of facilities is forecast. Site requirements are estimated by dividing an average typical capacity for a site into the capacity required.

85. The optimistic and pessimistic need forecasts are broadly similar, although an additional MRF is shown in the optimistic forecast for LACW[33]. Adjustments have then been made to the mass balance estimates in order to provide flexibility. A requirement for a HWRC within the Liverpool City boundary is identified, although the site allocations are not suitable for this purpose. Therefore, instead, Policy WM 6 provides a criteria based policy to accommodate this requirement.

86. In summary, taking account of contingencies, the requirements are for 4 ADs/IVCs or similar, 1 MRF (LACW), 1 WTS (LACW), 2 primary treatment facilities (C&I), 1 specialised treatment plant (C&I), 1 hazardous facility, and 2 non-specific facilities to compensate for exports to landfill.

87. With respect to landfill, two sites have been identified for inert waste to satisfy requirements. Although there is also a need for non-inert, non-hazardous landfill, no suitable sites have been identified.

Overall Assessment

88. I am satisfied that the evidence base for all of these waste streams is cogent and comprehensive and that it has been properly updated as the Plan process has moved forward. Consequently, it provides a sound basis for the assessment of need for future waste management facilities and properly supports the Plan's forecasts of site and facility requirements. The assumptions made in the NA are credible and robust, and I am content that the identified requirements, including contingencies, are justified.

Issue 3 – Whether the Plan's Energy from Waste Policy accommodates the needs of MRWA and whether it is the most appropriate.

89. One of the fundamental objectives of a new development plan should be to co-

[32] pp26-27 in SUB-001 WLP Proposed Submission Document
[33] FCC (formerly WRG) has submitted a planning application to re-occupy the former Orchid Environment building and to convert it into a 120,000tpa recycling facility which, amongst other things would segregate LACW recyclates.

ordinate the policies and programmes of all major stakeholders in the development process to provide certainty and coherence. This is indicated in the Duty to Co-operate[34] and, more specifically in PPS10, which requires WPAs to prepare and deliver planning strategies that reflect the concerns and needs of WDAs amongst others[35]. In this context, the starting point is that the Plan should both inform and be informed by the relevant Waste Management Strategies[36] so as to avoid inconsistency between these two inter-dependant delivery routes for sustainable waste management.

90. During Plan preparation, a policy gap on EfW developed between the WDA, namely MRWA, and the Joint Councils, whereby MRWA was taking forward a RRC, PFI procurement with considerable additional EfW capacity proposed by the bidders, whilst the Plan was moving towards a position of "no further capacity needed". The issue threatened both processes since the Plan could not progress to a sound outcome if it did not cater for the identified needs of MRWA, and the RRC procurement could not at that stage proceed in the absence of allocated sites and a supportive planning framework for the proposed facilities.

91. The JMWMSM 2008[37] indicated that the PFI reference case was for two Mechanical Biological Treatment (MBT) plants each with a co-located thermal treatment facility. Each of the MBT plants would have a capacity of about 150,000 – 200,000tpa and would process untreated residual LACW to produce RDF/SRF for the two EfW facilities, each with a capacity of between 100,000 and 150,000tpa. Two sites in excess of 8ha were required for this. However, in 2009 MRWA confirmed that, as a result of progress in the RRC bidding process, only one site in excess of 8ha would be needed although its preferred strategy was to advance two sites to provide bidders with flexibility and to reduce risks if one site proved to be undeliverable[38].

92. MRWA sought the best value for money in protecting the public purse, and reliance on existing consented capacity did not fit with its proposals or those of its bidders. MRWA also questioned whether this consented capacity would be built out, and how much would be available for the sub-region's LACW, and in what timescales. It pointed to timescales driving costs, and delays resulting in more landfilling, which meant greater landfill taxes and additional LATS credits[39], as well as not maximising movement up the waste management hierarchy. MRWA sought its own sites with the objective of reducing the time required to obtain planning permission. Furthermore, the RRC procurement was at an advanced stage and flexibility in the process was limited and dictated by European procurement rules.

93. The Joint Councils had planning and deliverability concerns relating to the sites put forward by MRWA and no other sites meeting its requirements could be found. Furthermore, the Joint Councils' preferred option was not to allocate

[34] S33A PCPA 2004.
[35] Key objectives §3, bullet point 5.
[36] PPS10 §16.
[37] [PS-047].
[38] Preferred Options Report May 2010 [PS-011].
[39] It is likely that LATS will cease after 2012/13.

sites for additional thermal treatment[40] due to the sub-region's high level of consented capacity, which the Proposed Submission Document suggests exceeds the identified EfW management need by over 450,000tpa of RDF. In addition to this, the Joint Councils were aware of Peel/Covanta's consent to build a regionally significant EfW facility outside of the sub-region but close to its boundary and within the Liverpool City Region.

94. In an attempt to reduce the gap and inform the RRC process and the development of the Plan's EfW policy, a period of intensive joint working took place between the Joint Councils and MRWA, the main task being to undertake a joint risk assessment of options available for EfW with an assessment of timescales and financial implications[41]. A number of relatively low risk options were identified for the procurement process and to inform the development of options for the Plan's EfW policy.

95. Two policy options were considered at the Plan's Preferred Options stage[42]. The preferred option (PO7) was to include a policy which did not allocate any new sites for EfW treatment of LACW, relying instead on existing consents and operational capacity. The alternative option (AO7) was to include a policy which allocated a sub-regional site for EfW treatment of LACW.

96. The SA on the Preferred Options[43] indicated that planning constraints remained to be overcome on the two sites[44] put forward by MRWA[45], and suggested that allocation of these sites or other identified sites in the sub-region could lead to over provision of thermal capacity if the already consented facilities were built on time, and they were able to accept LACW from Merseyside. This could lead to negative effects including large quantities of waste being brought from outside the area potentially by road. It also noted that the joint authorities had not been able to identify a site to meet the needs of the PFI reference case.

97. On the other hand the SA on the Preferred Options indicated that delivery of the consented sites was dependant on many factors and it was not guaranteed that this capacity would be available to meet the thermal treatment needs identified for the sub-region. It went on to say that although the preferred option provided the greatest flexibility, it could only be delivered if the LACW contract was tied to existing consented capacity. Therefore, it recommended *"a combination of the Preferred Option with scope to identify a specific site or at least provide specific criteria that can be used to identify a suitable EfW site for MSW if required following monitoring of consented capacity".*

98. MRWA indicated that the RRC process allows bidders to identify their own solutions to meet the needs of the procurement process rather than a

[40] With the exception of site F1-Alexandra Dock, consented for gasification of ELV and white goods residues (European Metal Recycling).
[41] Joint Evaluation of Procurement Options for the Recovery of Value from Municipal Solid Waste in Merseyside and Halton [PO1-010].
[42] Preferred Options Reports May 2010 [PS-011].
[43] SA and SEA of the Joint Merseyside Waste DPD – preferred options – December 2009 [PO1-001].
[44] Butlers Farm and Crab Tree Rough.
[45] Other potential sites considered in the Preferred Options Report also had planning constraints [PS-011].

prescriptive solution being imposed, and therefore the bidders have been tracking progress of the Plan in terms of EfW policy and site allocations. During this process the treatment specification changed from what was initially set out in the reference case to one single stage EfW facility taking residual LACW[46].

99. By the time the Plan was submitted for examination, MRWA had announced that the two final bidders for the RRC had put forward solutions located outside of the sub-region. These were Covanta/Peel who had planning permission[47] for a RRP at Ince (Cheshire West and Chester), and SITA/Sembcomp who had a Lawful Development Certificate[48] enabling them to construct an EfW in Wilton (Teesside). Consequently, following selection of these final two bidders, MRWA advised that no land was required within the sub-region at this time for a facility to treat residual LACW within the current RRC process[49].

100. The Call for Final Tenders for the RRC was made in early June 2012 and the process is currently at preferred bidder evaluation stage. Financial closure (contract signing) is expected to take place at the end of 2013. Therefore, it is expected that MRWA will have, by then, secured a suitable site.

101. Nonetheless, should there be a need for re-procurement by MRWA, this process would most likely be site-neutral and technology neutral and bidders might wish to come forward with their own proposed site within the sub-region (consented or otherwise), if they considered that it was commercially competitive. The existing consented capacity might not fulfil these requirements.

102. The Proposed Submission Document does not allocate sites for thermal treatment for LACW [50] and whilst Policy WM 13 provides a general criteria based policy for new facilities on unallocated sites, it does not specifically deal with EfW. Policy WM 14 does deal with EfW. However, the first part simply refers to no allocations being made for large scale EfWs and reliance being placed on existing capacity, the procurement process, and capacity in the wider Northern region. The second part only deals with small scale facilities up to 80,000tpa.

103. Although the SA of the Proposed Submission Document[51] suggests that overall this policy is in line with sustainability principles, the Joint Councils acknowledge that the first part of the Policy is more a statement of current status than a policy. Despite the progress made with identifying external sites for the RRC, at submission stage, MRWA expressed concerns regarding the

[46] Peel/Covanta has made an application to modify their Environmental Permit to, amongst other things, remove the restriction on accepting pre-treated waste only [Exam-070, Appendix A].
[47] List of planning permissions [Exam-072].
[48] CLD [Exam-030a] and Layout and Application for CLD [Exam-030b].
[49] http://www.merseysidewda.gov.uk/2010/09/merseyside-pfi-announcement/
[50] The only thermal treatment allocation being site F1 Alexandra Dock for specialised industrial use.
[51] SA and SEA of the Proposed Submission Document [August 2011].

"logical inconsistency" of Policy WM 14[52].

104. Whilst the NA does not identify a need to allocate a site for thermal treatment of LACW, given the tensions in approaches of the Joint Councils and MRWA, together with MRWA's potential future requirement for additional thermal capacity within the sub-region, the Joint Councils accept that it would be more appropriate to have a criteria based Policy for EfW. Consequently, they have requested **MM 7**, which has been agreed with MRWA, to provide MRWA and the waste industry with the opportunity to bring forward their own proposals for EfW facilities incorporating CHP to meet local needs.

105. This outcome provides greater flexibility in the Plan, supports energy security, helps move waste management up the hierarchy, and reflects the local situation. Also in removing references to Northern England, it avoids any procedural risk relating to the Duty to Co-operate across Northern England. I endorse the Joint Council's modification, which I consider to be positively prepared, justified, effective, locally distinctive and consistent with national policy.

Issue 4– Whether the Plan appropriately provides for the disposal of residual, non-inert, non-hazardous waste to landfill.

106. Taking the optimistic and pessimistic approaches, the NA estimates that the quantities of C&I waste requiring landfill range from 429,000-479,000tpa in 2012 to 63,000-256,000tpa in 2027. For LACW the figures are 492,000-502,000tpa in 2012 to 16,000-27,000tpa in 2027. These forecasts indicate that Landfill capacity requirements will significantly decrease over the Plan period, although the need for some landfill will remain.

107. The Plan aims to achieve landfill disposal of no more than 10% of the principal controlled waste streams by 2020, although achieving this target may partly depend on diverting residues from thermal treatment facilities away from landfill. The quantities of these residues are likely to increase as more thermal treatment comes forward.

108. The NA assumes that Incinerator Bottom Ash (IBA) will be 22% of waste burned in conventional EfWs and 5% of that treated by gasification. Both the optimistic and pessimistic scenarios assume that the sub-region will take responsibility for disposal of un-recycled IBA arising within the Plan area, even if the original waste arisings were imported from other areas. In addition it assumes responsibility for un-recycled IBA created outside of the Plan area from LACW arising within the sub-region. Including both of these streams reflects a cautious approach, leading to higher estimates of need than would otherwise be expected.

109. Markets are emerging for recycled IBA and, if they develop, this will reduce landfill capacity need. Ineos Chlor-Vinyls has indicated that it is pursuing opportunities to recycle its IBA with a third party, as facilities exist to reprocess the materials and there is already a market for the end product. Furthermore, Peel/Covanta have planning permission for a concrete block-making facility with a capacity of 250,000tpa, which is intended to be co-located with their Ince Marshes EfW plant. The NA's optimistic forecast

[52] Representation PS_60-61 in WLP Proposed Submission Document Consultation

assumes that a viable block-making industry will develop by 2015 and that all IBA will be recycled by 2020. Whilst the pessimistic forecast predicts market failure, the indications are that this will be unlikely.

110. Nonetheless, even with increased recycling and treatment facilities, there will remain a fraction of waste which cannot be diverted from landfill. The only landfill facility within the sub-region for this waste is Lyme and Wood Pits, which according to its site profile[53] has permission to take up to 205,000tpa of inert and non-inert, non-hazardous waste[54].

111. However, the site operator, Cory Environmental, indicated that current fill rates are about 200,000tpa net of deposits of inert materials, which are estimated at 25% by weight, and as of June 2012 a void space capable of holding only 832,000t remained. This facility was due to cease taking non-inert, non-hazardous waste in June 2012, but in July 2012 a time extension was granted to June 2016, by which time Cory estimates the void will be filled, assuming current fill rates.

112. Most of the site has already been restored to a country park and restoration will continue as the remaining cells are filled. In this situation and, given that little, if any, capacity will remain for taking non-hazardous, non-inert waste once it becomes time expired, it would be disproportionate to allocate this site in the Plan.

113. Residual LACW is currently disposed of at FFC's (formerly WRG's) landfill at Arpley, Warrington until 2015. The capacity needed to accommodate this waste is included in the NA as it is secured by contract with MRWA. However, its permission expires in 2013, and an application for a time extension until 2025 was refused in January 2013, although this may be appealed. If it closes, FCC will take the sub-region's residual waste to another of its facilities until 2015.

114. The Evidence Base indicates that no new deliverable sites for landfill or landraise were identified by a comprehensive survey of the Plan area[55], including a search for brownfield land and mineral workings on the National Land Use Database, as options are constrained, particularly by geological and hydrogeological conditions and non-sustainable urban locations. Consequently, there is a shortfall in landfill capacity, which cannot be met within the sub-region and, therefore, the Plan has adopted the policy position of exporting non-hazardous, non-inert waste to other WPAs.

115. The RSS at paragraph 9.35 refers to large urban areas being unlikely to meet their own landfill requirements and suggests that they should accommodate more treatment capacity than might otherwise be planned for. RSS Policy EM 13 states that *"In considering proposals for waste management facilities (including additional landfill capacity) the ability of existing established sites to meet the needs of the region/sub-region should be fully explored".* Although it is expected that the RSS will be revoked, reliance can still be placed on its evidence base.

[53] Within the Survey for Landfill in Merseyside and Halton Report, May 2010 [PS-014].
[54] St Helens Planning Consent ref P/2012/0156.
[55] Survey for Landfill in Merseyside and Halton Report May 2010 [PS-014].

116. A report within the RSS evidence base[56] indicates that potentially up to 30% of non-inert, non-hazardous landfill capacity will remain unfilled at the end of planning permission time limits. It also suggests that the full utilization of landfill capacity within existing planning permissions could be adequate to provide capacity to 2025 and beyond on a regional basis.

117. A substantial body of evidence exists which shows that landfill deposits are falling, largely as a result of rising landfill taxes. This is resulting in a widening gap between the fill rates originally assumed by permissions and the actual rates of fill. Consequently, the permissions for many of the region's landfills could expire before they have been filled, and the extent of capacity available to the sub-region could depend on other WPAs granting time extensions.

118. Reference is also made in the NA to discussions held with principal landfill operators in the North West and with other representatives of the regional waste management sector, which indicate that existing landfills within the region are capable of providing capacity to accommodate the sub-region's landfill requirements. MEAS's table of receiving landfill sites, their capacities and potential[57], lends support to this suggestion by showing that there is significant existing capacity in the region, with some landfills having capacity and/or permissions beyond the Plan period.

119. Lancashire County Council confirmed at the examination hearings that it had landfill capacity for non-inert, non-hazardous waste beyond its own Plan period[58]. In 2010 Arpley, which Warrington Council acknowledges is of regional significance, had an estimated remaining capacity equivalent to 9 million t. If its time extension were to be granted on appeal, this would provide about 11 years of operational void space based on operator forecasts of filling rates.

120. The commentary to MEAS's table also suggests that deposits in 2010 were only 36% of the permitted annual capacity, and that in 2010 there was virtually no treatment capacity, except that used to manage certain C&I wastes. As diversion from landfill increases over time, fill rates are likely to decrease further. This has implications for restoration, and also puts into question the viability of bringing forward new landfill capacity in the sub-region, even if it were available.

121. To sum up, the optimistic forecast indicates that the external landfill required is likely to be small, and even with the pessimistic forecast, there will be a significant decrease in capacity need over time. This is sufficiently compensated for by the allocation of sites for additional built facilities intended to provide capacity to take imported waste. Taking account of RSS Policy EM 13, and given that an extensive search of the Plan area failed to identify any new deliverable sites capable of taking non-inert, non-hazardous waste, reliance on external landfill is justified.

122. Nonetheless, the Plan should protect existing landfill capacity for all waste

[56] Urban Mines & Grffin Hill, *Nationally, Regionally and Sub-Regionally Significant Waste Management Facilities (report for 4NW and NWRTAB), October 2008, pp48-49.*
[57] Statement on matter 3 - section B [EXAM-003]
[58] Lancashire's Plan period will be similar to Merseyside's as its WLP was undergoing its own examination at the time of these hearings.

streams, as it does with built facilities, and it should more positively provide for landfill applications on unallocated sites, subject to need. The Joint Councils have requested changes to development management policies to reflect this.

123. **MM 5** has been requested to Policy WM 7 (Protecting Existing Waste Management Capacity) so as to permit extensions of time to existing operational landfills subject to certain criteria, thereby providing a positive approach with greater certainty, and more flexibility when needed. **MM 8** is also requested to Policy WM 15 (Landfill on Unallocated Sites) so that it is more positively worded, provides greater certainty for prospective developers, and more appropriately addresses need. Whilst there has been some objection to the wording of part of MM 5, in my judgement this objection does not go to soundness and, in any event the wording of MM 5 is appropriate. I, therefore, endorse both of these main modifications.

124. With these main modifications, the Plan's strategy for providing for non-inert, non-hazardous landfill is sound in that it seeks to positively protect and exploit existing capacity, whilst maintaining control through criteria based policies. It is, therefore, positively prepared, justified, effective and consistent with national policy.

Issue 5 – Whether the site allocations are justified and deliverable.

125. The Countryside Council for Wales objected to the allocation of two sites due to their possible adverse impact on water quality within the Dee Estuary Natura 2000 designations, although it also appeared to imply that no such impact would in fact be likely. This objection was received during the main modifications consultation and does not relate to any of the main modifications. Consequently, it has not been made at the appropriate time. Nonetheless, MEAS responded by confirming that the HRA has already assessed any potential impact on these Natura 2000 sites[59], and various WLP policies make specific reference to the need for project level assessment of any development which might present a risk to any Natura 2000 site. I accept this, and for these reasons I am satisfied that the WLP makes sufficient provision for the protection of these sites. Therefore, no modification is required in this respect.

Methodology

126. The methodology for sub-regional and district level sites follows a three staged process[60]. Stage 1 was a broad site search[61] to produce records of 2,200 sites, which were filleted to remove duplicates, erroneous entries, and sites of less than 0.5ha to produce a list of 1,600 sites. These were reviewed by the WPAs to identify sites that were no longer available or had been allocated for other types of use, as well as new ones being added from the latest update of brownfield land surveys, leaving a list of about 950 sites for selection

[59] Habitats Regulation Assessment report §2.5.4 [PS-005].
[60] Built Facilities Site Search Methodology, May 2010 [PO1-005].
[61] Broad Search for Potential Sites for Waste Management Facilities in the Merseyside Area, August 2005 [PS-016].

purposes[62]. This initial list was then split into a built facility list, which was updated with site information and re-published at each pre-submission stage[63], and a landfill list, which was not re-published as no new sites were brought forward[64].

127. Stage 2 comprised multi-criteria scoring of sites based on proximity to sensitive receptors and sustainability indicators to eliminate sites that were poorly matched to the desired criteria, and to highlight any key sustainability issues and planning constraints. Stage 3 applied professional judgement to the remaining sites to address deliverability issues. 109 potential built facility and landfill sites were visited and surveyed between Spatial Strategy and Sites stage (November 2008) and Preferred Options 2 stage (May 2011).

128. The methodology for allocating landfills follows a similar three staged process[65], although the criteria are more applicable to landfills, such as "former mineral extraction site". 31 potential landfill sites were short-listed at Spatial Strategy and Sites stage[66], and the EA was consulted to assess hydro-geological issues relevant to deliverability. Most sites were assessed as being unsuitable and many had long since been restored with no void space remaining.

129. The final outcome is a selection of 6 sub-regional sites and 13 district sites for built facilities, for which the Plan suggests suitable types of waste management use on a technologically neutral basis. 2 landfill sites for inert waste disposal are also allocated. Objections have been made to some of the allocations, which are discussed below.

Sub-regional and district sites

S1 (Land off Sandwash Close)

130. Site S1 was proposed for sub-regional status at the Preferred Options 2 stage, following removal of an earlier proposal at the Preferred Options 1 stage. Amenity, ecology, flooding and highways issues have been raised, amongst others. Additional information received around the time of the examination hearings leads me to consider that this site is undeliverable.

131. This further information indicates that the previous landowner, Sandwash Ltd., has gone into liquidation and the sole economic interest in the land lies with the Bank of Ireland. The Bank has a registered charge over the land with respect to a secured debt and, therefore, no dispositions may take effect without the Bank's consent.

132. The Bank's view is that allocation would severely restrict the marketability of the site for purposes other than waste management, as the policy tests for other uses present too onerous a barrier to development. Consequently, the

[62] Merseyside Joint Waste Development Plan Document – All Sites Considered (Spatial Strategy and Sites stage) [SSS-016].
[63] All Sites at Preferred Options stage [PO1-017], Preferred Options 2 stage [PS-015], Publication stage [PS-007].
[64] All Sites to be assessed for Landfill [PS-021].
[65] Survey for Landfill in Merseyside and Halton Report, May 2010 [PS-014].
[66] Spatial Strategy and Sites Report, November 2008 [PS-010].

Bank objects absolutely to this allocation. The Joint Councils acknowledge that, apart from resorting to compulsory purchase, this stance makes the site undeliverable.

133. Additional information was presented showing that there is a restrictive covenant on the site in favour of Lord Derby, preventing certain waste related activities. Whilst this may not exclude the suggested waste management uses for the site, it is open to interpretation, and could present another obstacle to deliverability.

134. Furthermore, planning permission was granted in March 2012 for a Canmoor Developments Ltd./Dresser UK Ltd. industrial development on part of the site. The remaining site (ca. 2.7ha) is less than the guideline area of 4.5ha suggested by the Plan for a sub-regional site. On this basis the Joint Councils consider that the site no longer qualifies for sub-regional status. Consequently, the Joint Councils request site S1's removal from allocation. I endorse this change, as reflected in **MM 3**, which relates to both the wording of Policy WM 2 and the removal of the site profile so that it does not form part of the Policies Map.

135. In view of the above, the Joint Councils have identified an alternative sub-regional site. This is a former National Grid (Transco) gas depot situated in an industrial area at Pocket Nook, St. Helens, which was considered previously in the Spatial Strategy and Sites Report of 2008. Thereafter, a waste management facility of 200,000tpa capacity was granted planning permission and, on that basis, the site was considered to have little prospect of intensification. Hence it was not brought forward for allocation. However, this facility was not built.

136. Planning permission was later granted for a MRF of 90,000tpa, which became operational in August 2010, although I am told that it is operating at well below this capacity. Consequently, the Joint Councils consider that there is additional developable land available on this site, which has significant potential for intensification and enhancement of waste management uses.

137. In terms of constraints, the site scores reasonably well, and I am told that the freeholder, and the long-term leaseholder and operator, Biffa, are supportive of its allocation. I also understand that, during the Spatial Strategy and Sites consultation (from November 2008 to January 2009), no objections were received from consultees. The site has now undergone SA and AA with satisfactory results, and consultation on its inclusion as a sub-regional site has not met with objection.

138. Consequently, the Joint Councils request that the allocation of the site at Pocket Nook be included in **MM 3** to Policy WM 2 and that its site profile be added to the Policies Map. For the reasons given, this change is justified on the basis that it has been favourably assessed against reasonable alternatives, accords with the Plan's spatial strategy, and appears to be deliverable. I, therefore, endorse this modification.

Sites L1 (Land off Stalbridge Road) and W1 (Campbeltown Road)

139. Site L1 is within the Port of Garston, which is owned and operated by Associated British Ports (ABP), and Site W1 is within the Port of Liverpool,

which is owned and operated by Peel Holdings. The Plan safeguards all allocated sub-regional and district sites from development that would prejudice waste management uses. With respect to sites L1 and W1, both ABP and Peel Holdings felt that the safeguarding wording in Policy WM 2 was overly restrictive to port based activities. Given the strategic nature and economic importance of these Ports, I agree.

140. Discussions were held to attempt to formulate a more appropriate policy and agreement was reached, as recorded in the Statement of Common Ground between the Joint Councils, and ABP and Peel Holdings (Management) Ltd. The amended wording, which the Joint Councils request as **MM 3**, extends the uses of sites L1 and W1 to port-related activities. I endorse this modification.

141. On 13 August 2012 planning permission for three years was granted on site W1 for facilities to co-ordinate the construction of an off-shore windfarm. However, given the temporary nature and short time scale of this permission, it does not affect the intended waste management use for most of the Plan period. Therefore, I consider that the site remains deliverable and should stay as an allocation.

142. With respect to site L1, concerns were raised over the potential impacts of a waste management facility on the wider community, particularly as planning permission for nearby housing has been granted. There is already an extant planning permission for an autoclaving facility on site, although I understand that the developer, Jack Allen, has withdrawn its interest. Nonetheless, any other development would be subject to planning permission and consequent detailed evaluation of potential impacts. The imposition of appropriate planning conditions could potentially mitigate effects to an acceptable level. Therefore, I consider that the site remains deliverable and should stay allocated.

Site H3 (Runcorn WWTW)

143. This was allocated as a result of Halton Borough Council identifying a need for a replacement HWRC. It was not identified by the NA. The suggested waste uses are restricted to HWRC and WTS because of the specifics of the identified need. The landowner, United Utilities, raised no objections at the time.

144. However, in a letter dated 19 June 2012, United Utilities stated that it no longer supported the allocation due to a change in operational requirements at the site, and the land being safeguarded for future operational investment. Consequently, it requested the site's removal from the Plan.

145. Halton Borough Council has confirmed that a replacement HWRC is no longer needed as improvements to the existing facility have rendered it suitable for retention. Therefore, the Joint Councils have requested **MM 4**, the effect of which would be to remove site H3 altogether, and not to include its site profile within the Policies Map. I consider that this change would not make the Plan unsound and would not reduce its flexibility to meet the forecast needs. Consequently, I endorse this modification.

Sites K1 (Butlers Farm), K2 (Acornfield Road), and F2 (Crowland Street)

146. Issues relating to potential impact on sensitive receptors, highways and the

nearby Green Belt have been raised. These matters are taken into account in the site search methodology and are set out within the relevant site profiles[67]. Development proposals will be further assessed at planning application stage, and potential effects mitigated by planning conditions to render them acceptable. There is nothing within the SA to indicate that these sites are likely to be undeliverable. Consequently, I consider that they should remain allocated.

Sites H1 (Widnes Waterfront) and H2 (Johnson's Lane)

147. An objection was made to site H1 on the basis that another nearby site on Conurbia Road, which contains a waste transfer station, has spare capacity and should be allocated instead. Another objector indicated that sites H1 and H2 have limited capacity and suggested that site H2361 (Clifton Road/Cholmondeley Road) be allocated as well.

148. Site H1 was assessed alongside 12 other short-listed, sub-regional sites within Halton[68] and was found to be the most appropriate in terms of planning constraints and deliverability when considered against reasonable alternatives[69]. There is nothing within the evidence base or the SA to suggest otherwise. Consequently, its allocation is justified. The numbers and indicative capacities of the allocated sites satisfy the requirements identified in the NA plus a contingency. Therefore, there is no need for additional allocations.

Landfills

Sites S3 (Bold Heath Quarry) and K5 (Cronton Claypit)

149. A representation was made indicating that insufficient capacity exists at sites S3 and K5 to meet the requirements for inert landfill and, therefore, site MIN027 (Carr Lane) should be allocated as well. However, site MIN027 has a number of constraints, including flood risk[70], and it has a history of enforcement actions and dismissed appeals. In any event, I consider that the allocated sites are likely to provide sufficient capacity to meet the requirements identified in the NA and, therefore, there is no need to allocate an additional inert landfill site.

Assessment

150. I consider that the allocation methodology is logical and reasonable and that the Plan provides sufficient opportunities in appropriate locations for the development of new or enhanced waste management facilities, including landfill sites. Subject to the main modifications referred to above, the evidence base, and the reasoning used to arrive at the allocations and suggested uses are robust and credible. Consequently, the allocations, as modified, have been positively prepared, and are justified, effective and

[67] Joint Merseyside and Halton Waste Development Plan Document: Site Profiles, August 2011 [PS-002a].
[68] Built Facilities Site Selection Process for Preferred Options 2: New Sites Consultation, May 2011 [PS-013].
[69] Preferred Options 2: New Sites Consultation, May 2011 [PS-012].
[70] Survey for Landfill in Merseyside and Halton Report, May 2010 [PS-014].

consistent with national policy.

Issue 6 - Whether there are clear and effective arrangements for implementing and monitoring the Plan.

151. Once adopted, the WLP policies and allocations will become part of the District Local Development Frameworks (LDFs). Implementation of the Plan policies will lie primarily with the WPAs, although delivery of site infrastructure will fall to the waste industry. MRWA will have a defined role through its waste disposal contracts, and others, including the waste collection authorities, the EA and landowners will play a part.

152. The Implementation Plan lists the various Plan policies, linking them to the related strategic objectives, and setting out who will implement each policy and how. Site-specific implementation tables also set phasing and delivery dates for the allocated sites, and identify funding types, reflecting conclusions in the NA. This shows that all sub-regional sites are needed by 2015 to enhance net self sufficiency, as are district sites involving intensification of an existing use. The remaining district sites, which need new permissions, are required by 2020 to deliver the additional capacity identified in the NA. The inert landfill sites are required as soon as possible.

153. Responsibility for monitoring lies with the WPAs, and MEAS has agreed to provide support through the actions listed in the Monitoring Plan. The numbers of sites taken up and the capacity and type of facilities will be regularly checked against the NA, and the results will be included in the Authority Monitoring Reports (AMRs) of each district. In this way the effectiveness of the policies will be assessed, and any changes identified for a policy that is not working or for targets that are not being met, can be made. MEAS will also monitor the mass balance of imports and exports on an annual basis. The Plan will be reviewed every five years, although the first review will be within two years of its adoption.

154. The chosen output indicators and targets reflect the SA recommendations and should provide a consistent basis for monitoring the Plan against its vision, strategic objectives, and key policies. If the indicators show that a policy needs to be strengthened or changed, this will be reported through the AMRs for consideration by the districts.

155. I consider that the Plan contains sufficient realistic, achievable targets, indicators and milestones to monitor the performance and delivery of the vision, strategic objectives and policies. It contains clearly identified delivery mechanisms and timescales for implementing the policies, and clearly shows who is intended to carry out the implementation.

156. Consequently, I conclude that the Plan provides an effective and comprehensive framework for implementing and monitoring performance and delivery of the Plan's key policy objectives, and for taking appropriate action should it be required.

Overall Conclusion and Recommendation

157. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean

that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

158. The Joint Councils have requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the WLP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Elizabeth C. Ord

Inspector

This report is accompanied by the Appendix containing the Main Modifications

Appendix – Main Modifications – as issued for Consultation November 2012

The modifications below are expressed in the form of a red ~~strikethrough~~ for deletions and blue underlining for additions of text. Other instructions are set out in *italics*. The paragraph numbers below refer to the submission local plan, and do not take account of the deletion or addition of text.

Table of Policies

No main modifications proposed

List of Abbreviations

No main modifications proposed

Introduction

No main modifications proposed

Evidence Base

No main modifications proposed

Vision and Spatial Strategy

Reference	Policy/para number	Main modification
MM-001	Section 3 After paragraph 3.19 and references. Insert new policy WM0: Presumption in Favour of Sustainable Development	Insert new policy wording and supporting text as follows: **Policy WM 0: Presumption in Favour of Sustainable Development** When considering waste development proposals a positive approach will be taken that reflects the presumption

Reference	Policy/para number	Main modification
		in favour of sustainable development contained in the National Planning Policy Framework. Work will always be undertaken proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Waste Local Plan (and other relevant Local Plan documents including policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then permission will be granted by the Local Planning Authority unless material considerations indicate otherwise – taking into account whether: • Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or • Specific policies in that Framework indicate that development should be restricted.
MM-002	Section 3 Overarching strategic approach for the Waste DPD	Amend the wording of the Strategy for meeting Merseyside and Halton's Waste Management Needs, as follows: The overarching approach for the Waste DPD Local Plan will be a Resource Recovery-led strategy with the following objectives: 1. To seek to minimise waste arisings. 2. To maximise recycling, resource recovery and re-processing 3. To ensure that residual waste is minimised and then processed in a way that ~~will~~ seeks to: • Maximise the economic and environmental benefits to local communities and businesses; • Minimise export of residual wastes for landfill disposal; • Minimising the need for new landfill/landraise and reserving capacity for the greatest disposal needs; and, • Balance ~~any~~ the overall export of landfill tonnages with provisions for ~~import of equivalent material for secondary~~ treatment and recycling of imported waste tonnages of an equivalent amount to ensure that Merseyside and Halton are as self sufficient as possible in waste management capacity.

Site Allocations to deliver capacity requirements

Reference	Policy/para number	Main modification
MM-003	Section 4 Policy WM2 Sub-regional Site Allocations	Remove row "S1" from Table 4.2 containing columns: ~~S1; St Helens; Land SW of Sandwash Close, Rainford Industrial Estate; 6.1; Reprocessor, Primary Treatment, Reseource Recovery Park~~. Replace with new row containing columns: S1a; St Helens; Former Transco Site, Pocket Nook; 4.5; Re-processor; Waste Transfer Station; Primary Treatment, Resource Recovery Park. For Replacement Site Profile see Appendix C Amend text as follows below Table 4.2: "With the exception of sites L1 and W1, planning permission will not normally be granted for any other use of the land that would prejudice its use as a waste management facility subject to paragraphs 4.14 and 4.15 below. For clarity the amended paragraph 4.15 is shown below: 4.15 Sites allocated within the port and dock estates, specifically in Liverpool, Sefton and Wirral, are proposed subject to the waste management operations being port-related. The types of suggested waste uses for each site are shown in the site profiles in Appendix 2. Due to their strategic nature within the Port of Liverpool and Port of Garston, sub-regional sites L1 and W1 are also suitable for a range of port related uses. Waste allocations do not take precedence over other port related uses including provision for offshore energy infrastructure. These sites are therefore not subject to the restrictions set out in paragraphs 4.16 to 4.18 below."
MM-004	Section 4 Policy WM3 Allocations for District level Sites	Remove the line referring to site H3 within Table 4.3 ~~H3 : Halton : Runcorn WWTW : 1.2 : HWRC, WTS, Re-processor, Primary Treatment~~

Development Management Policies

Reference	Policy/para number	Main modification
MM-005	Section 5 Policy WM7 Protecting Existing Waste Management Capacity	Make the following amendments to both the policy title and wording. **Policy WM 7: Protecting existing waste management capacity for built facilities and landfill** Existing operational and consented waste management sites will be expected to remain in waste management use in order to maintain essential waste management capacity. For Built Waste Management Facilities: Any change of use from waste management will only be allowed in exceptional circumstances, and will need to be justified by the developer by demonstrating that the waste use is: • Located in an inappropriate area; • Causing significant loss of amenity; • That the lost capacity has been made up for elsewhere, or can be provided through existing site allocations. One or more of the above criteria must be met for a change of use to be acceptable. For Existing Operational Landfill Capacity: Extensions of time will be granted for the use of existing operational landfill capacity subject to: • The design of the site being capable of accommodating the type of waste proposed; • There still being a demonstrable need for landfill capacity in the Plan area; • There being no ongoing significant cumulative impacts on amenity and environmental quality. Such an assessment will be based against the criteria in policy WM12 and appropriate and relevant criteria in Box 1, and; • Evidence being submitted in support of the planning application to demonstrate that the projected completion date of land filling operations is realistic and achievable.
MM-006	Section 5 Policy WM13 Planning Applications for New Waste Management Facilities on Unallocated Sites	Amend bullet point 2 as follows: That the proposed site ~~can be justified~~ has been assessed against the criteria for built facilities used in the site selection process for allocated sites shown in Table 5.1; Amend bullet point 3 as follows: The site will be sustainable in terms of its social, economic and environmental impacts and this has been demonstrated through Sustainability Appraisal and Habitats Regulations Assessment ~~Screening~~ at the project-

Reference	Policy/para number	Main modification
		level;
MM-007	Section 5 Policy WM14 Energy from Waste	Delete the following paragraph: ~~No new sites for large scale Energy from Waste for Local Authority Collected Waste or Commercial and Industrial Waste are allocated. Reliance will be placed on exiting consents and operation facilities within Merseyside and Halton, the outcome of the MWDA procurement process and the capacity in the wider Northern region of England to meet the identified needs.~~ Insert the following paragraph in its place: 1. All proposals for EfW facilities will be assessed in relation to operational and consented capacity within the Plan area and the requirement for new facilities. Planning applications for such proposals must demonstrate that existing operational and consented capacity cannot be accessed to meet the identified need or in the case of Local Authority Collected Waste that it is not suitable for the purposes of MRWA. Account must be taken of: • The contractual position for Local Authority Collected Waste and the outcome of any MRWA procurement process to meet the treatment needs of the Plan area; • Operational EfW capacity within the Plan area, and; • Existing consents for EfW within the Plan area and availability of that consented capacity to meet the needs of the Plan area. 2. EfW proposals must meet the waste management needs of the Plan area and will be required to provide combined heat and power unless it can by demonstrated that this requirement would prevent important waste infrastructure being brought forward. 3. All proposals for EfW must comply with policies WM12 and WM13.
MM-008	Section 5 Policy WM15 Landfill on Unallocated Sites	Make the following amendments to the policy wording: Planning permission will ~~only~~ be granted for additional landfill on unallocated sites where it is demonstrated that: 1. The proposal ~~can be justified~~ has been assessed against the criteria used for the Waste Local Plan ~~DPD~~ site selection process for landfill sites shown in Table 5.2 and the criteria in WM12 and Box 1. Significant adverse impacts should be avoided. Where adverse impacts are unavoidable, measures to mitigate the impact should be adopted.

Reference	Policy/para number	Main modification
		2. The proposal complies with the Vision and Spatial Strategy for the Waste Local Plan ~~DPD and satisfies the criteria set out in policy WM12~~; 3. Sustainability Appraisal and Habitats Regulation Assessment have been undertaken at the project level and any negative effects can be satisfactorily mitigated ~~for~~, and; 4. The proposal contributes to ~~the~~ meeting identified needs for residual landfill capacity within the Plan area. Full details of the criteria used as part of the site assessment process for allocated landfill sites can be found in Table 5.2 and Box 1. Reference should be made to these to ensure that the correct criteria are being applied consistently. For this reason, it is important that early pre-application discussions are held with the local planning authority, and that the method used and results of the assessment should be submitted with the application.

Implementation and Monitoring

No main modifications proposed

Appendices and Site Profiles

No main modifications proposed