

Gloucestershire Waste Core Strategy Examination 2012

S110 of the Localism Act

Brings into force S33A amendment to the Planning & Compulsory Purchase Act – ‘Duty to Co-operate’

Background

This note has been produced by the County Council at the request of the Inspector in relation to the above legislative changes. This covers matters presented by the County Council in the early procedural sessions of the Examination hearings.

Regional

The Council highlighted that being the Waste Planning Authority (WPA) it has been actively involved with and worked within the regional framework for waste. This includes through active participation in the Regional Technical Advisory Body (RTAB) for waste alongside other South West WPAs. The RTAB advised the South West Regional Assembly on the preparation of the Regional Waste Strategy for the South West (RWS) (CD 11.36). The Planning elements of the RWS were taken forwards and built into the Draft South West Regional Spatial Strategy 2006 (CD 11.34) and the Draft RSS Proposed Changes 2008 (CD 11.35). Both through RTAB and as WPA the County Council has played an active participatory role in the preparation of the RSS, including through the Examination stages. The RSS was a significant influence particularly in the early stages of WCS preparation.

Currently there is ongoing dialogue regionally by WPAs through both the RTAB and between themselves with other annual meetings, the last of which was held in March 2011 between south west regional planners and the EA.

Evidence to support the preparation of the WCS

Preferred Options evidence paper CD 10.132 identifies the dialogue which has taken place by the WPA/Minerals Planning Authority and the District Councils in terms of matters relating to waste and minerals issues. Being a two-tier authority planning area, these meetings discussed a range of issues but in particular the links between LDF and MWDF. An example of this was being able to reach consensus as to the potential of B2 employment land for use as waste purposes. Section 4 of this paper also highlights the discussions with neighboring WPAs and potential cross-border issues.

Evidence paper CD 10.14 identifies the areas of joint working with the WDA. The data paper CD 10.3 (in particular section 7) highlights some of the cross border

issues which have been considered in the preparation of the WCS. The waste data update (CD 10.4 section 10), which supports the Publication stage, identifies the implications and position of DPDs and significant waste management capacity in adjacent WPAs.

Dialogue with the relevant competent local authorities, agencies and bodies (as S33A applies) has and is ongoing through both formal processes of plan preparation (stages outlined in CD 1.10 & 1.11) and through more discrete contact by telephone and email etc.

Matter arising

The Council notes in CPRE statement (CD 13.44.2) reference to the issue of 'duty to co-operate. This note above identifies the significant ongoing dialogue and cross border issues which have been considered through the preparation of the WCS. For example some of the facilities which are either permitted or in the pipeline are identified in Table 10f of CD10.4.

While contractual matters are outside the scope of the WCS, I would point out that in para 1.6.4 of CD 13.26 highlights that the issues of potential partnership of the WDA with neighboring WDAs was explored.

I cannot comment on the outcome of that but if that had been a fruitful avenue for the WDA to have pursued then the WCS would have been required to have considered the matter and taken it into account. In turn it would have required discussion with the relevant WPA concerned. However that is hypothetical scenario up to the present stage.