

Summary of the Main Issues Raised Through Regulation 27 Consultations – November 2011

Representations on the Publication Document (Regulation 27) – consultation 22nd March – 4th May 2011

What issues were raised and how were they considered?

Representations were made by 89 individuals or organisations during the consultation period. A further 3 late comments were received and accepted. Several respondents made multiple representations and 180 representations were received overall.

Legal compliance

Ten representations (5.5%) stated that the Waste Core Strategy Publication Document (Regulation 27) was not legally compliant.

The following reasons were specified:

- **The Green Belt policy in WCS10 is not in accordance with national policy.** Changes were made in the Addendum to the Submission Document (Section E) to address this issue.
- **The calculation of the capacity gap did not have regard to the information contained in the Joint Municipal Waste Management Strategy 1st Review. It presents inconsistent figures, particularly in respect of future MSW capacity requirements for 'other recovery'.** Changes were made in the Addendum to the Submission Document (Section B) to address this issue, as well as through an Addendum and a new Annex A to the Arisings and Capacity background document.
- **The final paragraph in both Policies WCS2 and WCS11 sets the wrong test in terms of national planning policy.** Changes were made in the Addendum to the Submission Document (change references A7 and D7) to address this issue.

All representations from specific consultation bodies that responded to this consultation stated that the *Waste Core Strategy Publication Document (Regulation 27)* was in their opinion legally compliant.

Soundness

56 representations (31%) stated that the Waste Core Strategy Publication Document (Regulation 27) was sound. 73 representations (40.5%) stated that the Waste Core Strategy Publication Document (Regulation 27) was not sound:

- 21 representations considered the DPD to be unsound because it is not justified,

- 21 representations considered the DPD to be unsound because it is not effective and
- 12 representations considered it to be unsound because it is not consistent with national policy.

The remaining 51 representations did not specify whether in their opinion the Waste Core Strategy Publication Document (Regulation 27) was sound or not.

The main issues raised in response to the *Waste Core Strategy Publication Document (Regulation 27)* being unsound are as follows:

- **The waste data used is inadequate/flawed and objective WO3 is inconsistent with the Joint Municipal Waste Management Strategy and National Policy** (44 representations). The alternatives considered and risk assessments of the approaches chosen are given in the *Worcestershire Waste Core Strategy Background Document: "Arising and Capacity"*. Changes were made in the Addendum to the Submission Document (Section B) to address this issue, as well as through an Addendum and a new Annex A to the *Arising and Capacity* background document.
- **The Green Belt policy in WCS10 is not in accordance with national policy** (40 representations). Changes were made in the *Addendum to the Submission Document* (Section E) to address this issue.
- **Concerns regarding implementation** (28 representations). In general these representations do not include specific details regarding the aspect of implementation to which they relate. The *Waste Core Strategy Publication Document (Regulation 27)* includes detailed sections specifically setting out how it will be implemented and monitored. This issue will be considered by the Inspector when examining the submitted Waste Core Strategy.

Several representations raised issues related a current application for an Energy from Waste Facility on Hartlebury Trading Estate and expressed the view that the Waste Core Strategy was not technology neutral. The Submission Document states that it has been designed to be technology neutral in Paragraph 1.8.

Next stage

On 30th June 2011, Council resolved that the Waste Core Strategy and supporting documents be approved for formal submission to the Secretary of State for independent examination. Since this time we have been negotiating with a number of consultees who submitted representations on the soundness and legal compliance of the Waste Core Strategy during the Publication Document (Regulation 27) consultation (which was held from March to May 2011).

These negotiations revealed that further Habitats Regulations Assessment of the Waste Core Strategy was required to ensure that the Waste Core Strategy complies with the requirements of The Conservation of Habitats and Species Regulations 2010. This work was completed and is set out in an Addendum to the Habitats Regulations Assessment. The council considered that the Addendum to the Habitats Regulations Assessment formed new evidence and that it was necessary to consult the public on this document and the changes to the Waste Core Strategy which are required in light of it and the other comments

received. This also gave the Council an opportunity to make a number of other changes which address the majority of the representations which were received and to make other changes correcting grammar or for clarification.

Representations on the Addendum to the Submission Document – consultation 3rd October - 15th November 2011

At this stage we requested comments on the 'soundness' of the Waste Core Strategy Submission Document **incorporating the Addendum**.

What issues were raised and how were they considered?

Representations were made by 22 individuals or organisations during the consultation period. Several respondents made multiple representations and 34 representations were received overall.

Legal compliance

Two representations (6%) stated that the *Waste Core Strategy Submission Document* incorporating the *Addendum to the Waste Core Strategy* was not legally compliant. Neither of the representations referred to specific legislation or identified specific text which they considered not to be legally compliant. Five representations (15%) stated that the *Waste Core Strategy Submission Document* incorporating the *Addendum to the Waste Core Strategy* was legally compliant. The remaining representations did not specify.

Soundness

7 representations (20%) stated that the *Waste Core Strategy Submission Document* incorporating the *Addendum to the Waste Core Strategy* was sound. 3 representations (9%) stated that the *Waste Core Strategy Submission Document* incorporating the *Addendum to the Waste Core Strategy* was not sound:

- 1 representation considered the DPD to be unsound because it is not justified,
- 3 representations considered the DPD to be unsound because it is not effective, and
- 2 representations considered the DPD to be unsound because it is not consistent with national policy.

The remaining 24 representations did not specify whether in their opinion the *Waste Core Strategy Submission Document* incorporating the *Addendum to the Waste Core Strategy* was sound or not.

The main issues raised in response to *Waste Core Strategy Submission Document* incorporating the *Addendum to the Waste Core Strategy* being unsound are that:

- there is a need for more efforts to recycle and to encourage smaller, more flexible technologies. This representation asserts that technological advances and limited options would make the strategy obsolete.
- the Strategy is not effective because of inconsistencies between the Key Diagram and text in Figure 19 (regarding the Hartlebury Trading Estate). The representation states that changes are necessary to the Key Diagram to correct this.

Other issues

Three respondents stated that they considered the strategy to be sound but requested or recommended changes to make it more effective or more compliant with national policy:

- **Highways Agency** suggested additions to clarify the Strategic Highway Network and the need to involve the Highways Agency, particularly in undertaking Transport Assessments.
- **Natural England** suggested changes to clarify terminology, the requirements for the protection of internationally, nationally and locally designated sites of nature conservation importance and the historic environment, heritage assets and their settings and to maintain and enhance, preserve, protect or add to biodiversity interests.
- **English Heritage** were concerned that the changes incorporated in the Addendum document weakened the soundness of the text and recommended the clarification and expansion of the text to ensure that it provides an appropriate protection for all environmental assets, including heritage assets and their setting.

Next stage

All representations will be submitted to the Secretary of State for consideration.