

Wiltshire & Swindon Minerals & Waste Development Framework

Waste Development Control Policies Revised Preferred Options

Consultation Period: 3rd August – 14th September 2007

The Revised Preferred Options consultation is a formal stage of consultation which gives you the opportunity to comment on the draft proposals for Waste planning policy in Wiltshire and Swindon.

The Waste Development Control Policies – Revised Preferred Options Document is available on our website at www.wiltshire.gov.uk/planning-home.htm, at County Hall, Trowbridge; Swindon Borough Council offices in Euclid Street and Premier House, District Council Offices; and at all libraries in the County and Borough. If you would like to request a copy please telephone 01225 713429.

Your comments will help us to develop the next draft of the Waste Development Control Policies which will then be submitted to Government for approval.

Please use the Response Form to give us your comments on what we say in the document. Your comments can be returned to us either by:

Post: Minerals and Waste Planning Policy, Environmental Services, Wiltshire County Council, County Hall, Trowbridge, Wiltshire BA14 8JD

E-mail: mineralsandwastepolicy@wiltshire.gov.uk

Please use a separate form for each preferred option or paragraph that you would like to comment on.

If you have any queries please call 01225 756577.

How to use the Response Form – 6 key steps

1. Please tell us your name and address. If you are using an Agent, please fill in their details too.
2. Tell us what you are commenting on, using a separate form for each response. This form can be photocopied as many times as necessary.
3. When responding please state clearly the policy, preferred option number, paragraph or page you are referring to.
4. In the identified boxes, give the reason for your representation / objection and how you consider the document should be changed.
5. If you have any other issues that you would like to raise please use the 'other comments' box provided.
6. **To register a representation / objection with us on the document it must reach us by noon Friday 14th September 2007.**

Tell us about yourself...

The questions below are optional. We want to make sure that we are reaching as many people as possible so we have a few key questions to ask about you. This will identify where we are failing to involve people and help us develop better ways of encouraging greater participation in future consultations. Please send this part of the form to us by noon Friday 14th September 2007.

Ethnic Origin

I would describe my ethnic origin as (please tick):

White

British
Irish
Any other white background
(Please state)

Black or Black British

Caribbean
African
Any other white background
(Please state)

Asian or Asian British

Indian
Pakistani
Bangladeshi

Mixed

White & Black Caribbean
White & Black African
White & Asian
Any other white background
(Please state)

Chinese

Chinese

Other

Any other ethnic group

Sex

(Please tick the appropriate box)

Male

Female

Age

(Please tick the appropriate box)

Under 18

18 – 24

25 – 34

35 – 44

45 - 54

55 – 64

65 – 74

75 +

Disability

Do you have any long standing illness, disability or infirmity?

Yes

No

Occupation

Employed Full-time

Employed – part-time

Unemployed

Self-employed

Retired

CONFIDENTIALITY: Please note that ALL comments submitted will be made publicly available.

Data Protection

Wiltshire County Council has a duty to protect personal information and will process personal data in accordance with the Data Protection Act 1998 and any amendments to the Act. The personal data you provide on this form will only be used for the purpose of the Minerals & Waste Development Framework. It may also be used for the prevention or detection of fraud or crime and in an anonymised form for statistical purposes. The data will be stored on computer and/or manual files. You have a right to a copy of your information held by any organisation, with some exemptions. To gain access to your personal data held by Wiltshire County Council or if you have any Data Protection concerns please contact Wiltshire County Council's Data Protection Officer on 01225 713000 (switchboard).

Response Form

Waste Development Control Policies – Revised Preferred Options Document

Name: Address: Postcode: Organisation (If applicable) Telephone No.: Email:	Agent's details (if applicable NB professional representation not essential) Company Name: Agent's name: Address: Postcode: Organisation (If applicable) Telephone No.: Email:
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Have you commented on the previous version of this document?	Yes	No
If so, which documents? (Please circle)	Issues and Options	Preferred Options
If not, why were you unable to comment? (Please tick the appropriate box)		
Didn't know it had been published	Didn't have time to comment	Was not interested at that stage
		Other (please state):

Which policy, proposal, paragraph or page are you commenting on?

Are you objecting or supporting this document? Please tick one of the following:			
Support i.e. you support the draft Waste Development Control Policies		Object i.e. you believe the draft Waste Development Control Policies is unsound	
IF YOU BELIEVE THE DOCUMENT IS <u>UN SOUND</u> PLEASE GO TO THE NEXT PAGE AND TICK WHICH TEST OF SOUNDNESS YOU CONSIDER THE DEVELOPMENT CONTROL POLICIES HAVE FAILED ON.			

Please turn over and complete the reverse of this form. Please use a separate form for each separate policy or paragraph you wish to comment on. This form can be photocopied as many times as necessary.

The Government has identified the following nine tests of soundness for assessing whether a Development Plan Document is 'sound'. If you wish to object to the Core Strategy please indicate which test of soundness you believe it fails to meet and describe why you think it does not meet the standard set out in the test.

Which 'Test of Soundness' do you think the Strategy fails?

1. It has not been prepared in accordance with the authority's Local Development Schemes (LDS).

2. It has not been prepared in compliance with the Statement of Community Involvements (SCI), or where no SCI exists, it has not been prepared in accordance with the minimum requirements of the Town and Country Planning (Local Development) (England) Regulations 2004.

3. The plan and its policies have not been subject to sustainability appraisal.

4. It is not a spatial plan and is inconsistent with national planning policy, or does not conform with the regional spatial strategy for the region or does not have proper regard to any other relevant plans, policies and strategies.

5. It does not have regard to the authority's community strategy.

6. The strategies/policies/allocations in the plan are not coherent and consistent within and between Development Plan Documents (DPDs) prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant.

7. The strategies/policies/allocations fail to represent the most appropriate in all the circumstances, having considered the relevant alternatives, or they are not founded on a robust and credible evidence base.

8. There are no clear mechanisms for implementation and monitoring.

9. The plan is not sufficiently flexible to enable it to deal with changing circumstances.

(Please see the guidance notes for further explanation on the 'tests of soundness')

Please give details of what change (s) you consider are necessary to make the draft Waste Core Strategy sound, having regards to the test (s) of soundness you indicated previously. Please state why your proposed change will make the draft Waste Core Strategy sound. Where appropriate, please suggest wording of paragraphs and / or policies.

Guidance Notes to Accompany the Representation Form

The Planning and Compulsory Purchase Act 2004 (the 2004 Act) states that the purpose of an examination is to consider whether a document is “sound”. This means those who wish to make a representation seeking a change to a document will need to show how it is unsound and what needs to be done to make it sound.

In order to decide whether a document is sound, the Inspector will apply a number of tests (please see below). Please ensure that any representation seeking a change to the document is clearly related to one of the tests of soundness.

Please note:

- If you are seeking to make representations on the way in which the Development Control Policies has been prepared, it is likely that your comments or objections should be set out under one of the ‘**procedural**’ tests.
- If it is the actual content on which you wish to comment or object you should look at the ‘**conformity**’ and the ‘**coherence, consistency and effectiveness**’ tests.

Where your representation seeks more than one change (and relates to the failure to meet more than one test of soundness), please use a separate form for your representation on each change and relevant soundness test. A separate form should also be used for representations supporting the Development Control Policies as opposed to objecting to it.

The tests to be applied to assess the soundness of DPDs are set out in paragraph 4.24 of Planning Policy Statement 12: Local Development Frameworks (PPS12). The following gives some brief guidance on each of the tests.

The **procedural** tests are as follows:

Test 1

It has not been prepared in accordance with the authority's Local Development Schemes (LDS).

The Minerals and Waste Development Scheme (MWDS) is effectively a programme of work prepared by the Councils, setting out the Planning Documents it proposes to produce over a 3 year period. It will set out the key stages in the production of any of these documents which the Councils propose to bring forward for independent examination. If a document is not in the current MWDS it should not have been submitted for examination.

In the case of Wiltshire and Swindon there are actually two identical schemes reflecting the dual nature of this document.

View the most recent version of the Wiltshire Minerals and Waste Development Scheme at www.wiltshire.gov.uk/mwds-revised-scheme-2.pdf or see Swindon's Local development Scheme at [www.swindon.gov.uk/lds_\(dec_06\)_\(approved\).pdf](http://www.swindon.gov.uk/lds_(dec_06)_(approved).pdf)

Test 2

It has not been prepared in compliance with the Statement of Community Involvements (SCI), or where no SCI exists, it has not been prepared in accordance with the minimum requirements of the Town and Country Planning (Local Development) (England) Regulations 2004.

The Statement of Community Involvement (SCI) is a document which sets out a Councils strategy for involving the community in the preparation and revision of Planning Documents (including the Development Control Policies) and the consideration of planning applications. The Councils will submit a consultation statement with the Development Control Policies to show how they have complied with their SCI.

Both Wiltshire and Swindon have adopted their SCIs. All consultation activity associated with producing the Wiltshire and Swindon Minerals and Waste Development Framework will be carried out in compliance with both SCIs.

View the most recent version of the Wiltshire's Statement of Community Involvement at www.wiltshire.gov.uk/adopted-statement-of-community-involvement.pdf or Swindon's Statement of Community Involvement at www.swindon.gov.uk/sci.pdf

Test 3

The plan and its policies have not been subject to sustainability appraisal.

Local authorities are required to carry out a Sustainability Appraisal of Development Planning Documents which incorporates the requirements of the European Directive on Strategic Environmental Assessment (the SEA Directive). The Councils are required to produce a Sustainability Appraisal Report when they produce a DPD. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process.

View the most recent version of the Wiltshire and Swindon Minerals and Waste Sustainability Appraisals at: www.wiltshire.gov.uk/environment-and-planning/planning-home/planning-strategic-environment-assessment.htm

3. Conformity Tests

3.1 The conformity tests are as follows:

Test 4

It is not a spatial plan and is inconsistent with national planning policy, or does not conform with the regional spatial strategy for the region or does not have proper regard to any other relevant plans, policies and strategies.

Spatial planning should not just be concerned with the physical aspects of location but also with economic, social and environmental matters relating to the development and use of land. Further guidance on what spatial planning means can be found in paragraphs 30-32 of *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* and 1.8-1.11 of *PPS12*.

The Government Office for the South West can be expected to comment on any possible inconsistency with national planning policy and the South West Regional Planning Body should identify any issue about the general conformity of the document with the Regional Spatial Strategy.

Test 5

It does not have regard to the authority's community strategy.

The Community Strategy is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the Councils area. The Community Strategy is subject to consultation but not to an independent examination.

In the case of Wiltshire and Swindon there are actually two different Community Strategies reflecting the dual nature of this document.

View the most recent version of the Wiltshire's Community Strategy at www.wiltshire.gov.uk/a-strategy-for-wiltshire-2005-revised.pdf or Swindon's Community Strategy at 193.113.179.211/communitystrategyforswindon.pdf

Coherence, Consistency and Effectiveness Tests

There are four tests under this heading, test numbers 6-9. These are the tests to which you are most likely to wish to respond as they relate to the content of the DPD i.e. what the authority is proposing for your area. The tests require that:

Test 6

The strategies/policies/allocations in the plan are not coherent and consistent within and between Development Plan Documents (DPDs) prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant.

The document should show how the policies and proposals within it relate to other relevant policies and proposals in the Councils area and in neighbouring areas.

Test 7

The strategies/policies/allocations fail to represent the most appropriate in all the circumstances, having considered the relevant alternatives, or they are not founded on a robust and credible evidence base.

The document should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

Test 8

There are no clear mechanisms for implementation and monitoring.

The document should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. Any measures which the Councils has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the Core Strategy needs amendment.

View the most recent version of the Wiltshire's Annual Monitoring Report at www.wiltshire.gov.uk/minerals-amr-05-06a.pdf and Swindon's www.swindon.gov.uk/environment-forward/monitoring.htm

Test 9

The plan is not sufficiently flexible to enable it to deal with changing circumstances.

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the document should make clear that major changes may require a formal review including public consultation.

General advice

If you think the **content** of the document is not sound because it does not include a policy where you think it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by any national planning policy or in the Regional Spatial Strategy? If so it does not need to be included.
- Is what you are concerned with covered by any other policies in the document on which you are seeking to make representations or in any other document in the Councils Minerals and Waste Development Framework (MWDF). There is no need for repetition between documents in the MWDF.
- If the policy is not covered elsewhere, in what way is the document unsound without the policy?
- If the document is unsound without the policy, what should the policy say?

If you feel that the Councils have not put forward sufficient evidence to justify a significant departure from national or regional policy, your comments should try to make it clear why you think the Councils case for departure is inadequate. Conversely, you may feel the Councils should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are which justify a different policy approach to that in national or regional policy and support your assertion with evidence.

If you wish to make a representation seeking a change to the document or part of the document you should make clear in what way the document or part of the document is not sound having regard to the tests set out above. You should try to support your representation by evidence showing why the document should be changed. It will be helpful if you also say precisely how you think the document should be changed.