

Local Members' Interest
N/A

Planning Committee – 7 February 2019

Report of the Director for Economy, Infrastructure and Skills

The First Review of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan (2010 - 2026)

Purpose of Report

1. To inform Planning Committee of the conclusions of the First Review of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan (2010 – 2026) (Appendix 2); and,
2. To seek Planning Committee's endorsement of the conclusions of the First Review before this matter is reported to the Cabinet on 20 February and Full Council on 21 March 2019.

Recommendation

3. That the Cabinet and Full Council be informed that the Planning Committee endorse the conclusions of the First Review of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan (2010 – 2026) that there is no need to revise our Waste Local Plan at this time so that it can continue to carry weight in the determination of planning applications for waste development.*

(*As the Plan was jointly adopted by Staffordshire County Council and Stoke-on-Trent City Council in 2013, a joint review has been carried out. Stoke-on-Trent City Council are also seeking formal sign off of the conclusions of the review document).

4. That the Director of Economy, Infrastructure and Skills, after consultation with the Chairman of Planning Committee, be authorised to make minor amendments to the review document prior to it being reported to Full Council.

Summary and Reasons for Recommendation

5. The [Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 - 2026](#) (the Waste Local Plan) was prepared jointly with Stoke-on-Trent City Council and was adopted in March 2013. [New regulations](#) which came into effect on 6 April 2018 require us to complete a review of the waste and minerals local plans every 5 years, starting from the date of adoption of the local plan, in accordance with [section 23](#) of the Planning and Compulsory Purchase Act 2004 (adoption of local development documents). [Planning Practice Guidance on plan-making](#), published

on 13 September 2018, sets out what authorities can consider when determining whether policies should be updated.

6. Waste Planning Authorities have an important enabling role in the delivery of waste management facilities and an up to date Waste Local Plan is essential as it provides clarity for developers and communities about where the facilities should be built and the environmental standards by which they should operate.
7. A joint review has been carried out with Stoke-on-Trent City Council. The accompanying First Review of the Waste Local Plan, December 2018 (the review document) (Appendix 2), provides our assessment of how well our waste planning policies have been performing and explains how we have reached the conclusion that the Plan does not need to be revised at this time.
8. Overall, the review document concludes that the Waste Local Plan is performing well and is providing an effective planning policy framework for the determination of planning applications for waste development in Staffordshire and Stoke-on-Trent. The Waste Local Plan is also in conformity with national waste planning policy and guidance and there have been no changes to local circumstances or our strategic priorities which would suggest that revisions to the waste planning policies are necessary. Therefore, the Waste Local Plan can continue to carry weight in the determination of planning applications for waste development.
9. As the Regulations require us to publish the reasons why we have reached our conclusions, the review document will be published on our [Waste Local Plan web page](#).

Background

10. The County Council and Stoke-on-Trent City Council worked together to prepare the [Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 - 2026](#) (Waste Local Plan) which was adopted on 22 March 2013. The Waste Local Plan guides the way the two Councils determine planning applications related to the development of waste management facilities.
11. New regulations which came into effect on 6 April 2018 [[The Town and County Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017](#)] require local planning authorities to complete reviews of their local plans (and statements of community involvement) every 5 years, starting from the date of adoption.
12. [Planning Practice Guidance on plan-making](#), published on 13 September 2018, confirms that:

Every 5 years from the date of adoption of the plan document, a local planning authority must complete its review and decide either:

- *that their policies do not need revising and publish their reasons for this decision and/or*

- *that one or more policies do need revising and update their Local Development Scheme to set out the timetable for the revisions to the plan or certain policies within it.*

If necessary, authorities should then update their policies.

Reviewing a plan means undertaking an assessment to determine whether the policies need updating, which should include consideration of any changes to local circumstances and national policy. A local planning authority should consider in particular any necessary changes to policies which address their strategic priorities.

13. With regard to how often a plan should be reviewed, Planning Practice Guidance also states that:

Reviews should be proportionate to the issues in hand.

There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example where new cross boundary matters arise.

Proportionate, relevant and up-to-date evidence should be used to justify a decision not to revise policies.

14. Guidance also sets out what authorities can consider when determining whether policies should be updated. These include:

- *Success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;*
- *Their appeals performance;*
- *Conformity with national planning policy; and,*
- *Changes to local circumstances.*

What evidence gathering tasks have been carried out for the review?

15. We have looked at the assumptions that underpinned our Waste Local Plan: the Vision for managing our waste and the development of our waste infrastructure for the period up to 2026; and, the outcomes identified in our strategic objectives to address the four key issues relating to:

- Taking steps to minimise the negative effects of waste management on climate change by: greater resource efficiency; encouraging waste operators to treat waste further up the 'Waste Hierarchy'; and, continuing to reduce our reliance and use of landfill.
- Continuing to take responsibility for managing the waste we generate by ensuring we have the facilities and capacity to manage an amount of waste as least equivalent to that generated within our areas.

- Encouraging waste operators to raise the standard of our waste infrastructure by ensuring new waste management facilities meet modern design standards; and, supporting proposals to improve the quality of existing waste management facilities.
 - Developing the right type of facilities, in the right place and at the right time by ensuring that proposals make a positive contribution to people's lives; address the legitimate concerns and interests of local communities and businesses; and protect and/or enhance the natural, historic and waste environments and conserve the countryside and open spaces.
16. We have checked if our overall strategy for managing the development of waste management facilities (our Vision, Strategic Objectives and waste planning policies) is still valid today by reviewing conformity with national planning policy ([National Planning Policy for Waste](#) (published October 2014) and the [revised National Planning Policy Framework](#) (published July 2018) and updated [Planning Practice Guidance](#)).
17. We have also reviewed our waste planning policies against the relevant monitoring indicators (set out in Waste Local Plan Section 6, Table 4: Measuring Policy Implementation) to answer a series of questions:
- Is the Plan up-to-date and working in the way it was proposed? i.e. are we meeting or on track to meet our targets;
 - Have waste applications been determined in accordance with the aims of the Plan?
 - Are any new policies required, or do policies need to be revised or deleted as they are no longer appropriate due to special circumstances or new guidance?
 - Are our policies a barrier to development or are they achieving our vision for waste management in Staffordshire and Stoke-on-Trent?
18. We have also reviewed:
- our evidence base by updating the number and capacity of our waste management facilities in order to assess what progress is being made against new waste capacity requirements in the Waste Local Plan to be able to manage an amount of waste, at least equivalent to the amount generated in the plan area. In particular the list of sites set out in the Waste Local Plan Appendix 5 'Waste Infrastructure at May 2012', and the number of facilities and capacity of facilities by broad type of waste management set out in Appendix 6 Tables 18 and 19, have been updated using the [Environment Agency's 2017 Waste Data Interrogator](#) (currently the best available data) in addition to applications determined since May 2012 which have added new waste management capacity;

- the relevant policies and strategies of the County Council (as the Waste Disposal Authority), Stoke-on-Trent City Council (as the Waste Disposal and Collection Authority and Planning Authority for its area) and the Staffordshire Borough / District Councils (as the Waste Collection Authorities and Planning Authorities for their areas) to see if there has been any significant changes since the Waste Local Plan was adopted in 2013 e.g. changes in strategic priorities or delivery of infrastructure identified in the [Municipal Waste Management Strategy](#) (2007 and 2013 refresh); changes in assumptions about population growth; and, changes to waste arising forecasts.

Main Findings /Conclusions

19. The Vision and Strategic Objectives in the Waste Local Plan remain consistent with national planning policy and national waste planning policy. The analysis of applications determined since the adoption of the Waste Local Plan shows that new waste management facilities and/or new capacity has been delivered to manage waste further up the waste hierarchy meeting minimum additional waste management capacity targets (Waste Local Plan Policy 2.2). This has resulted in a significant reduction in the amount of waste, particularly household waste, sent to landfill, and means that our existing landfill sites should now only be receiving waste for which there is no better use (known as 'residual waste') (see paragraph 22 below regarding comments on a recent study).
20. Environment Agency data on waste input trends into Staffordshire landfills shows that 2,302,000 tonnes of waste was landfilled in 2000/01, with inputs peaking at 2,460,000 tonnes in 2004/05, and inputs then decreasing to 1,193,000 tonnes in 2016 (refer to [EA Waste management 2016 in West Midlands: Data Tables](#)). In particular the proportion of Staffordshire's household waste that is landfilled has decreased steadily, from 51% in 2004/05, to 29% in 2009/10, and to 16% in 2013/14, before dropping to just 2% for the subsequent years to 2017/18. Similarly, in 2014/2015 46% of Staffordshire's household waste was managed by heat, power or other energy recovery, and in 2017/18 50% was managed compared to 23% in 2009/2010 (Refer to [Annual Monitoring Report 2017 - 2018](#) Appendix 2 Waste, Table 12: Household Waste Management 2008/09 – 2017/18). This corresponds with the opening of the Four Ashes Energy Recovery Facility in March 2014 (current permitted capacity - 340,000 tonnes per annum). This facility, along with the Hanford Energy Recovery Facility (current permitted capacity - 120,000 tonnes per annum), has enabled maximum recovery of residual municipal waste and a significant step towards meeting the target of zero municipal waste sent to landfill as set in the [Municipal Waste Management Strategy](#). At 2017/18 23% of Staffordshire's household waste was also recycled, and 25% was composted.
21. New or expanded waste management facilities permitted since the adoption of the Waste Local Plan have created new types of facilities and additional capacity to recycle and treat waste. Many of these new facilities meet modern design standards, by being within buildings or enclosed structures appropriate to the technology or process; and, the facilities meet our locational criteria by treating waste close to the main urban areas on general industrial land, previously

developed land, and existing waste management sites. Recent waste developments at new and existing sites also operate to higher environmental standards. For example, fewer new operations are taking place in the open air, with the exception of aggregate recycling, and where necessary temporary planning permissions have been granted and only made a permanent permission where the operator has demonstrated that there are no unacceptable adverse effects. The Waste Local Plan is therefore addressing the key issues identified above and delivering the Vision and Strategic Objectives.

22. Whilst research undertaken in 2017 by the Environmental Services Association (ESA) on [UK residual waste](#) identifies a future gap in residual waste treatment capacity, our evidence shows that we have remaining landfill capacity in the plan area which will continue to receive waste, potentially from greater distances as waste travels further for disposal as landfill sites are restored around the country. Environment Agency data shows that landfill capacity in the plan area has declined from 28,579,000 cubic metres in 1998/99 to 14,542,000 cubic metres in 2016 (refer to [Environment Agency's Waste management 2016 in West Midlands: Data Tables](#)). [The Environment Agency's 2016 Remaining Landfill Capacity data](#) also confirms that in Staffordshire at the end of 2016 the 14,542,000 cubic metres of remaining landfill capacity equated to: Non-hazardous with Stable Non-Reactive Hazardous Waste cell 2,780,000m³; Non-Hazardous 7,955,000m³; and Inert 3,807,000m³. It is important to note however that the Environment Agency's calculation is based on sites where there is a current Environmental Permit. This does not include all mineral sites with planning permission to accept imported waste for restoration purposes as some sites have not reached a stage when restoration is taking place and therefore do not currently hold an Environmental Permit. For example, two recent Periodic Reviews of Mineral Permissions in Staffordshire have shown that there is future landfill capacity of 11.4 million cubic metres, however it is unlikely that landfilling will commence in the next fifty years. The Energy Recovery Facilities in the plan area also provide capacity to receive residual waste. Therefore, it is reasonable to conclude that there is not a gap in residual waste treatment capacity in the plan area. Furthermore, no new methodology has yet been developed, agreed and endorsed by the West Midlands Resource Technical Advisory Board for Waste on which to update waste forecasts for plan making and monitoring purposes. The original regional waste forecasts on which the Waste Local Plan targets for new waste management capacity is based therefore remain the best available.
23. There is no evidence to suggest that policies provide a barrier to development in Staffordshire and Stoke-on-Trent and this is confirmed by the very low number of refusals (3) and appeals (1) since plan adoption. There is also no evidence to suggest that specific site allocations are required to deliver new waste management facilities, as considerable new capacity has been delivered since 2013. The site selection process and subsequent planning application for the Four Ashes Energy Recovery Facility demonstrates that the general location criteria for waste management facilities set out in the Waste Local Plan (Policies 2.3 and 3.1), provides sufficient direction for the development of facilities. The Staffordshire Borough and District Local Plans do not rule out the provision of waste management facilities on general industrial land and previously developed land and there have been no significant changes in local planning policy or in the

refresh of the Municipal Waste Management Strategy to require revision to our strategy for managing the development of waste management facilities.

24. Overall it is therefore reasonable to conclude that there is no need to change the Vision, Strategic Objectives or waste planning policies in our Waste Local Plan at this time and therefore they can continue to carry weight in the determination of planning applications for waste development.

What further work may be required?

25. The [new statutory requirement](#) to complete the review of Local Plans every 5 years firms up what was already our stated intention (refer to paragraph 6.9 of the [Waste Local Plan](#)).
26. A second review of the Waste Local Plan will be required before March 2023 (i.e. 10 years from adoption), unless an earlier review is deemed necessary. At this stage it is anticipated that the next review of the Waste Local Plan will have to take account of the following matters:
- Changes to Government waste planning and waste management policy (post Brexit) including the [Resources and waste strategy for England](#) published on 18 December 2018, and any resulting changes to the Municipal Waste Management Strategy (currently being updated by the Staffordshire Waste Partnership) and across the waste management industry;
 - The latest population growth and waste arising forecasts;
 - The updated Local Plans produced by the Stoke-on-Trent City Council and the Staffordshire Borough and District Councils e.g. new large-scale housing and industrial land allocations;
 - The County Council's Strategic Infrastructure Plan (currently being commissioned); and,
 - Waste Local Plans produced by our neighbouring Waste Planning Authorities and Waste Management Strategies produced by the Staffordshire Waste Partnership and our neighbouring Waste Disposal Authorities (in accordance with the Duty to Cooperate).
27. Any future changes to the policies in our Waste Local Plan would have to be supported by an updated evidence base, follow a published programme, be drafted, then made available for public consultation and discussion with our neighbouring authorities (in accordance with the Duty to Cooperate) before being examined by a Planning Inspector.

(Note: The Minerals Local Plan for Staffordshire (2015 – 2030) was adopted in February 2017. The review is therefore due to be completed by February 2022).

Ongoing Review

28. Our Annual Monitoring Reports (AMRs) (prepared in accordance with [The Planning and Compulsory Purchase Act 2004](#)) will continue to monitor the implementation and effectiveness of the policies in both the adopted [Minerals Local Plan for Staffordshire \(2015 – 2030\)](#) and in the [Staffordshire and Stoke-on-Trent Joint Waste Local Plan \(2010 - 2026\)](#) in respect of targets which will influence the need to review policies. The structure of the AMR will be modified in future years to incorporate a clearer reporting method which will conclude / trigger when a review of either plan is required. [See the separate report on the latest AMR on the agenda to this Committee meeting].

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List of Background Papers

1. Recommendations of the Council on [15 March 2013](#) "Adoption of the Staffordshire and Stoke-on-Trent Waste Local Plan 2010 – 2026"
2. [The Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 - 2026](#)
3. [The Planning and Compulsory Purchase Act 2004](#)
4. [The Localism Act 2011](#)
5. [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)
6. [The National Planning Policy for Waste \(October 2014\)](#)
7. [Municipal Waste Management Strategy 2007; Zero Waste Strategy 2020; and 2013 Refreshed Headline Strategy](#)
8. [The Town and County Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 – Regulation 4 – 'Review of local development documents'](#) came into effect on 6 April 2018
9. [Planning Practice Guidance – Waste, Local Plans and Duty to Cooperate](#)
10. [Annual Monitoring Report 2017 - 2018](#)
11. [Minerals Local Plan for Staffordshire \(2015 – 2030\) – adopted February 2017](#)
12. [Report to Planning Committee – 7 June 2018](#)
13. [Planning Practice Guidance \(September 2018\) – Plan-Making](#)
14. [The revised National Planning Policy Framework](#) (published July 2018)
15. [The Resources and waste strategy for England, published 18 December 2018\)](#)

Appendix 1

Equalities implications:

This report has been prepared in accordance with the County Council's policies on Equal Opportunities.

Legal implications:

[Section 19 of the Planning and Compulsory Purchase Act 2004](#) sets out specific matters to which the local planning authority must have regard when preparing a plan. Regulations 8 and 9 of the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (The 2012 Regulations) prescribe the general form and content of local plans and adopted policies maps, while regulation 10 states what additional matters local planning authorities must have regard to when drafting their plans. [The Town and County Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017](#) make amendments to the 2012 Regulations. A Regulation 10A has been inserted which relates to the review of local development plan documents. The Council is required to complete a review of a local plan every 5 years, starting from the date of adoption of the local plan, in accordance with [Section 23 of the Act](#) (adoption of local development documents).

The Council is also required to maintain a Minerals and Waste Development Scheme and under [amendments](#) introduced by the Localism Act 2011, the local planning authority must resolve that the scheme is to have effect.

The Government's online Planning Practice Guidance, set out guidance on '[Plan Making](#)' and in particular: The statutory duty and role of plans; Evidence base for production of local plans; Plan reviews; Delivery of strategic matters; and Maintaining effective cooperation (including what is a Statement of Common Ground) [The National Planning Policy for Waste \(October 2014\)](#) also provides guidance on using a proportionate evidence base in preparing waste local plans.

Resource and Value for money implications:

The review of the Joint Waste Local Plan has been carried out by the Planning, Policy and Development Control Team, working with planners at Stoke-on-Trent City Council.

A budget for this work was allocated for 2019-20 to cover the County Council's share of the cost of an Inspector and public examination if required. As it has been concluded that a full or a partial review is not currently required then this represents a short-term saving, however, a budget will be required if the second review of the Waste Local Plan and the first review of the Minerals Local Plan determine that updates are necessary.

Unless circumstances dictate otherwise, the next review of the Waste Local Plan should be completed before March 2023 (i.e. 10 years from adoption) and the first review of the Minerals Local Plan should be completed before February 2022 (i.e. 5 years from adoption).

Risk implications:

Officers are satisfied that there are no direct risk implications arising from this report as the review of the Waste Local Plan has satisfied the requirements of current legislation and the latest guidance.

This report concludes that our Waste Local Plan policies are up to date and can continue to carry full weight when being used to determine planning applications for waste development.

Climate Change implications:

The Waste Local Plan includes requirements for applicants to address climate change, where applicable, as part of the preparation of planning applications for waste development.

Government planning policy in the revised National Planning Policy Framework (NPPF), refers to climate change ([section 14](#)). The NPPF is a material consideration in reaching decisions.

Health Impact Assessment screening:

Not applicable.

Government planning policy in the [National Planning Policy Framework](#) (July 2018), which refers to healthy communities (section 8), is also a material consideration in reaching decisions.

Appendix 2

First Review of the Waste Local Plan, December 2018