

Local Members' Interest
N/A

## Planning Committee – 7 June 2018

### Report of the Director for Economy, Infrastructure and Skills

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

#### Recommendation

1. That the report be noted.

#### Reasons for Recommendation

2. [New regulations](#) which came into effect on 6 April 2018 require us to review our waste and minerals local plans every 5 years. The [Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 - 2026](#) (the Waste Local Plan) was adopted in March 2013 (the [Minerals Local Plan](#) was adopted in February 2017). Now is therefore an opportune time to provide the Planning Committee with a timetable for the review of our Waste Local Plan and an explanation of the process that we intend to follow.
3. As the Waste Local Plan was prepared jointly with Stoke on Trent City Council, confirmation is currently being sought on continuing the working arrangements as we carry out the review. The intention is to produce a Joint Statement which will conclude on the kind of plan review that is required (i.e. whether there is no need to update the plan policies or whether a full or partial review is required). The anticipated timetable is to report on the review to the November Planning Committee and to ensure that our conclusions are endorsed by agreeing a Statement(s) of Common Ground / Duty to Cooperate with Staffordshire and neighbouring planning authorities and relevant industry stakeholders.
4. Waste Planning Authorities have an important enabling role in the delivery of waste management facilities and an up to date plan is essential as it provides clarity for developers and communities about where the facilities should be built.

#### Background

##### Why is a review required?

5. The County Council worked jointly with Stoke-on-Trent City Council 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 Councils determine planning applications related to the development of sustainable waste management facilities in the county up to 2026.

6. New regulations which came into force 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. [Draft Planning Practice Guidance](#) on plan reviews was also published in March 2018 alongside the [Draft Revised National Planning Policy Framework](#)). The consultation ran from 5 March 2018 to 10 May 2018.

### **What does a plan review involve?**

7. The [draft guidance on plan making](#) states that:

*‘To be effective plans need to be kept-up-to-date..... and reviews should be proportionate to the issues in hand’.*

*Reviewing a plan means undertaking an assessment to determine whether the policies need revising, 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 relating to their strategic priorities.*

*Every five 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 plan following the [plan-making procedure](#); including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State. A local planning authority will not necessarily need to revise their entire plan in whole and may publish a list of which policies they will update and which policies they consider do not need updating.’*

8. The draft guidance also states that:

*‘If a local planning authority can justify not updating policies they can continue to have full weight. The National Planning Policy Framework is clear that strategic policies should be prepared over a minimum 15 year period and a local planning authority should be planning for the full plan period. Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after five years. The review process is a method to ensure that a plan remains appropriate, maintaining its weight. If a local planning authority decides they do not*

*need to update their policies, they must publish the reasons for this decision on their website’.*

### **What evidence is required when carrying out a review?**

9. The draft guidance states that:

*‘A local planning authority may need to gather new evidence to inform their review. Proportionate, relevant and up-to-date evidence should be used to justify a decision not to revise policies’*

10. We intend to carry out the following evidence gathering tasks:

- A review of the waste planning policies and relevant monitoring indicators 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?
- A review of the key waste management facilities being used to manage the majority of the waste arising in the plan area or entering the plan area to be managed.
- A review of the future demand for waste management facilities (A ‘Waste Needs Assessment’ e.g. to determine the additional need (if any) for new facilities to manage waste arising from future housing / economic growth).

### **What will we produce?**

11. We therefore intend to produce a Joint Statement with the City Council which will conclude on the kind of plan review that is required (i.e. whether there is no need to update the plan policies or whether a full or partial review is required). Confirmation is currently being sought on the joint working arrangements with the City Council.
12. At this stage, based on our Annual Monitoring Reports (AMRs) produced since the adoption of the Waste Local Plan (the AMR reviews waste planning applications determined in the previous financial year), it is reasonable to believe that our current waste planning policies are fit-for-purpose, however, the new guidance requires us to confirm that the plan conforms to national planning policy and that there are no changes to local circumstances which would require any changes to our waste policies.

## What is the timetable to complete the tasks and prepare the Joint Statement?

13. Our timetable is set out in the table below:

Stage of preparation	Timetable
Produce Evidence: Review of waste policy and indicators; Waste management facilities update; Waste Needs Assessment.	May – July 2018
Produce Draft Joint Statement concluding whether the Waste Local Plan policies require updates or not.	August 2018
Peer review of Draft Joint Statement and supporting evidence. Agree Statement(s) of Common Ground (Duty to Cooperate) with adjoining authorities, Staffordshire local planning authorities, the West Midlands Resource Technical Advisory Board (RTAB) and relevant Industry stakeholders.	September 2018
Finalise Joint Statement and supporting evidence.	October 2018
Report to 1 November 2018 Planning Committee the Statement and supporting evidence concluding if waste planning policy updates are required or not.	November 2018

## What further work may be required?

14. If it is determined that updates to the Waste Local Plan policies are necessary, then we will have to set out a programme and process to prepare new policies and consult on them before they are an examined by a Planning Inspector.
15. As waste issues transcend administrative boundaries, alongside producing the Statement and supporting evidence, we need to ensure that our conclusions are endorsed by and there is evidence of cooperation with adjoining authorities, Staffordshire local planning authorities, the West Midlands Resource Technical Advisory Board (RTAB) and relevant Industry stakeholders. [The Localism Act 2011](#) introduced a Duty to Co-operate, which is designed to ensure that all the bodies involved in planning work together on issues that are of bigger than local significance. The draft guidance which accompanies the draft review of the National Planning Policy Framework also introduces a requirement to prepare a Statement of Common Ground for minerals and waste plans. Authorities should work jointly with neighbouring authorities to address the need for and distribution of waste facilities and impacts arising from these. District Councils should also be signatories as waste plans will have a direct effect on the development strategy of their areas.

16. An Annual Monitoring Report (AMR), in accordance with [The Planning and Compulsory Purchase Act 2004](#), will also be prepared by the end of the year. The AMR monitors the implementation and effectiveness of 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 this year to incorporate a clearer reporting method which will conclude / trigger when a review of either plan is required.

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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 Town and County Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017](#) – Regulation 4 – 'Review of local development documents' came into effect on 6 April 2018
7. [The National Planning Policy Framework \(October 2012\)](#) – [plan making](#)
8. [Draft Revised National Planning Policy Framework \(March 2018\)](#) - [3 Plan making](#)
9. [The National Planning Policy for Waste \(October 2014\)](#)
10. [Planning Practice Guidance](#) – [Waste](#), [Local Plans](#) and [Duty to Cooperate](#)
11. [Draft Planning Practice Guidance \(March 2018\)](#) – [Plan-Making](#)
12. [Annual Monitoring Report 2017](#)
13. [Minerals Local Plan for Staffordshire \(2015 – 2030\)](#) – adopted February 2017

**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.

[Draft updates to Planning Practice Guidance](#) published in March 2018, which will form part of 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; What is a Statement of Common Ground; and, Plan review guidance. [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 will be carried out by the Planning, Policy and Development Control Team, working with planners at Stoke-on-Trent City Council.

A budget for this work has been allocated for 2019-20 to cover the County Council's share of the cost of an Inspector and public examination if required. If it is concluded that a full or a partial review is not required then this would represent a saving.

#### **Risk implications:**

Officers are satisfied that there are no direct risk implications arising from this report. The review of the Waste Local Plan is intended to satisfy the requirements of current legislation and the latest emerging guidance.

National policy states that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

The draft planning practice guidance however also states that:

*'If a local planning authority can justify not updating policies they can continue to have full weight'.*

#### **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 National Planning Policy Framework, which refers to climate change ([section 10](#)) is also a material consideration in reaching decisions.

**Health Impact Assessment screening:**

Not applicable.

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