

Local Members
N/A

Planning Committee – 7 December 2023

Report of the Director for Economy, Infrastructure and Skills

Planning, Policy and Development Control Team Half Year Report

Purpose of the Report

This report is to inform the Planning Committee about our planning policy-making and planning development control activities and related matters in the first half of 2023-24.

Recommendation

That the report be noted.

Summary

Planning policy-making performance

We are continuing to monitor our Mineral and Waste Local Plans and we have recently published our latest [Annual Monitoring Report \(AMR\) for 2022-23](#).

Our AMR concludes that:

- we still have sufficient permitted mineral reserves / allocated resources except for brick clay;
- we have adequate facilities to process our waste; and,
- our policies are working well, so there is still no immediate need to update our plans.

Our AMR also contains some contextual commentary that it is worth mentioning, namely that:

- a) The [government has announced that the outcome of its review of the National Planning Policy Framework](#) is expected in the autumn 2023.
- b) [The new wide-ranging Levelling up and Regeneration Act 2023](#) (LURA) which will come into effect on 26 December 2023.
- c) The [government announcement that it intends to cancel HS2 Phase 2\(a\) and beyond](#).

- d) The [government announcement that it intends to simplify waste collection services in England](#), including a requirement from 2026 that all food waste is collected once a week.
- e) The [introduction of Bio-diversity Net Gain \(BNG\) from January 2024](#).

Planning development control performance – Q1 and Q2 of 2023-24

- a) Speed - major development decisions
100% (9 out of 9)
- b) Quality – major development decisions overturned at appeal
Nil *
- * 1 appeal decision is awaited – Whiston Golf Course - [SCC/21/0033/FULL](#)
- c) Speed - County Council's 'non-major development' decisions
80% (4 out of 5)
- d) Speed - County Council's major development decisions
100% (3 out of 3)
- e) Delegated decisions
94% (16 out of 17)

Staffing and Caseload

Two members of the team retired in November 2022 and April 2023 respectively and the Team Manager is due to retire at the end of March 2024. Options to replace them are currently being considered. Notwithstanding, we have continued to maintain our good performance.

A quick comparison with the first half of the previous 2 years shows that:

- the number of minerals and waste applications determined was similar to that in the same period last year and higher than that in the year before (9 compared to 10 and 6).
- the number of approvals of detail was lower than last year but similar to the same period in the year before (36 compared to 57 and 34)
- the total number of cases received (applications, submissions, and consultations) was slightly higher than the same period in the previous 2 years (69 compared to 60 and 66).

Background

We report our policy-making and development control activities halfway through

and at the end of each financial year. This is the report on the first half of 2023-24.

Planning policy-making performance

We are continuing to monitor our Mineral and Waste Local Plans and we have recently published our latest [Annual Monitoring Report \(AMR\) for 2022-23](#).

Our AMR concludes that:

- a) We still have enough reserves of most minerals.
- b) There is some uncertainty about the longer-term supply of clay to some of the county's brickworks.
- c) A few of our older mineral sites have yet to produce detailed restoration plans.
- d) We have adequate facilities to process our waste.
- e) Our policies are working well, so there is still no immediate need to update our Minerals or Waste Local Plans.

Our AMR also contains some contextual commentary that it is worth mentioning, namely;

- a) The [government has announced that the outcome of its review of the National Planning Policy Framework](#) is expected in the autumn 2023.
- b) The government's new wide ranging [Levelling up and Regeneration Act 2023](#) (LURA).

By way of example, the new Act contains new powers related to:

- i. Changes to the Town and Country Planning Act;
- ii. Changes to the plan-making arrangements - including the introduction of a 'minerals and waste plan timetable' and the prescribed content of minerals and waste plans
- iii. National development management policies;
- iv. Environmental Outcome Reports which will replace Environmental Statements; but also, other powers related to:
- v. Combined County Authorities;
- vi. Street votes;
- vii. Compulsory purchase; and,

viii. Childcare

Some of the new powers will come into effect on 26 December 2023 whereas others will require new regulations to bring them into effect.

c) The [government announcement that it intends to cancel HS2 Phase 2\(a\) and beyond](#).

From a mineral planning perspective, the implications for Staffordshire are that:

- i. the 5 Phase 2(a) borrow pits will no longer be required (including 2 within the Area of Search allocated in our Minerals Local Plan, between Alrewas and Kings Bromley) (note: officers have agreed to attend a Parish Council meeting to discuss the implications of the HS2 announcement for the Area of Search);
- ii. the extra demand for mineral from Staffordshire quarries to supply HS2 Phase 2(a) has gone. However, it is worth adding that the Pyford Brook Quarry near Alrewas was specifically permitted and legally bound to support the construction of Phase 1(a). The permissions to allow an increase in production from the existing Newbold, Alrewas and Hints quarries were also granted to supply HS2.
- iii. Regarding Pyford Brook, I wish to take this opportunity to update the Planning Committee following the decision on 8 June 2023 to allow temporary nighttime production of concrete up to 31 July 2023 for the construction of HS2 (ref. [SCC/23/0053/CON-PWA](#)). As production of sand and gravel at the quarry did not start in time, the temporary approval was not implemented. Meanwhile the quarry liaison committee, attended by the Local Member, a District Councillor, Parish Councillors, a local resident and a member of the Planning Regulation Team, is meeting on a regular basis. I also wish to take this opportunity to mention that a complaint from a neighbour about the colour of the cement silos erected at the site has been investigated and upheld. Discussions are on-going with Cemex to try to minimise the impact of the silos. Cemex has also advised that it intends to apply to regularise the plant layout which has turned out to be slightly different to that which was originally envisaged and approved.

d) The [government announcement that it intends to simplify waste collection services in England](#), including a requirement from 2026 that all food waste is collected once a week.

From a waste planning perspective, the implications for Staffordshire are that there may be a need for additional waste management facilities /

capacity to transfer, sort and process waste (e.g. to turn waste food into energy at anaerobic digestion facilities). However, at this stage, in the absence of an updated Municipal Waste Management Strategy produced by the Staffordshire districts / boroughs (the waste collection authorities) and the County Council (the waste disposal authority), there is no immediate need to plan for new facilities / capacity.

- e) The [introduction of Bio-diversity Net Gain \(BNG\) from January 2024](#) means developers will be required to provide 10% BNG, for example by including proposals to create new habitats and green spaces when submitting for planning applications for major development.

Finally, as mentioned in my previous full year report, work on preparing for the review of our local plans remains on hold as we currently have insufficient staff to commit to it full-time. We will of course be reviewing our plan-review timetable and the staff allocated to this work in the light of the LURA and the regulations that emerge from it next year.

Planning development control performance

[Appendix 2](#) provides a summary of performance by quarter in 2023-24.

[Appendix 3](#) provides a comparison with the same period in the previous two years.

Staffing and Caseload

The Planning, Policy & Development Control Team:

Team Manager
2 Policy and Development Control Team Leaders
2 Principal Planning Officers (1 temporary and part time)
1 Planning Policy and Enabling Officer (shared)
1 Planning Information Officer

Two members of the team retired in November 2022 and April 2023 respectively, and the Team Manager is retiring at the end of March next year. Options to replace them are currently being considered. Notwithstanding, we have continued to maintain our good performance.

A quick comparison with the first half of the previous 2 years shows that:

- The number of minerals and waste applications determined was similar to that in the same period last year and higher than that in the year before (9 compared to 10 and 6).
- The number of approvals of detail was lower than last year but similar to the same period in the year before (36 compared to 57 and 34)

- The total number of cases received (applications, submissions, and consultations) was slightly higher than the same period in the previous 2 years (69 compared to 60 and 66).

Report author

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Definitions

'Major development' is defined in the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

In so far as it is relevant to applications determined by the County Council, a 'major development' means development involving the winning and working of minerals or the use of land for mineral-working deposits; waste development; the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or development carried out on a site having an area of 1 hectare or more.

List of Background Papers

- Planning Committee - 8 June 2023 - Full Year Report 2022-3 ([see Committee agenda - item 7](#))
- [DLUHC - Improving planning performance: criteria for designation \(updated October 2022\)](#)
- [DLUHC - Live tables on planning application statistics](#)
- [Town and Country Planning \(Section 62A Applications\) \(Amendment\) Regulations 2016](#)

Appendix 1

Equalities implications

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

Legal implications

Officers are satisfied that there are no direct legal implications arising from this report.

Resources and value for money implications

Officers are satisfied that there are no direct resource and value for money implications arising from this report.

A significant increase in workload and the next review of our Minerals and / or Waste Local Plan are likely to require additional resources if we are to maintain our current high performance. Decisions to refuse applications may lead to appeals being made. The funds to cover the cost of appeals would need to be found from the County Council's contingencies.

The 2017 fee regulations increased planning application fees by about 20% with effect from 17 January 2018. At the request of the Government, the County Council, together with all other Local Planning Authorities, agreed to re-invest the additional income in the planning service.

The total accumulated in the ring-fenced planning reserve since 2018 was just over £132,000 at the end of quarter 4 (2022-23).

New [2023 fee regulations](#), effective from 6 December 2023, have increased planning application fees for major applications by 35%. Also, from April 2025 fees will increase annually with inflation.

The temporary recruitment is being funded by the service from savings and the ring-fenced planning reserve.

Risk implications

Officers are satisfied that there are no direct risk implications arising from this report

Climate Change implications

The Staffordshire Minerals and Waste Local Plans and the Staffordshire District / Borough Local Plans include policies to address climate change which are considered, where applicable, when determining planning applications for mineral and waste development and applications for the County Council's own developments.

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

Health Impact Assessment screening

The Staffordshire Minerals and Waste Local Plans and the Staffordshire District / Borough Local Plans include policies to address health which are considered, where applicable, when determining planning applications for mineral and waste development and applications for the County Council's own developments.

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

Appendix 2 Planning Development Control - Quarterly Performance– 2023-24

	Target Description	Target (Local)	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Performance (outturn)
National	Speed of 'major development' decisions	60% (90%)	100% 4 out of 4	100% 5 out of 5			100% 9 out of 9
	Quality of 'major development' decisions	10% (5%)	Nil	Nil			Nil*
Local	Speed of the County Council's own 'non-major development' decisions	(90%)	100% 1 out of 1	75% 3 out of 4			80% 4 out of 5
	Speed of the County Council's own 'major development' decisions	(80%)	100% 1 out of 1	100% 2 out of 2			100% 3 out of 3
	Applications determined under delegated powers	(80%)	100% 6 out of 6	91% 10 out of 11			94% 16 out of 17

* 1 appeal decision is awaited – Whiston Golf Course – [SCC/21/0033/FULL](#)

* Speed is measured (in so far as it relates to applications dealt with by the County Council) by the proportion of major applications dealt with within 13 weeks, or within 8 weeks for non-major development decisions, unless the application is accompanied by an Environmental Statement when the target is 16 weeks, or within an agreed extension of time.

** Quality is measured (in so far as it relates to applications dealt with by the County Council) by the proportion of major applications that are subsequently overturned at appeal.

Generally, a 'major development' (in so far as it relates to applications dealt with by the County Council) is defined as an application for the winning and working of minerals or the use of land for mineral-working deposits; and, waste development. A 'non-major development' is defined as an application which is not a 'major development'.

Appendix 3 Comparison with the previous two years

Planning Development Control – Half Year Performance – 2023-24

	National (Local Target)	
Speed of 'major development' decisions		
2023-24	60% (90%)	100% 9 out of 9
2022-23	60% (90%)	90% 9 out of 10
2021-22	60% (90%)	100% 6 out of 6
Speed of the County Council's own 'non-major development' decisions		
2023-24	(90%)	80% 4 out of 5
2022-23	(90%)	100% 1 out of 1
2021-22	(90%)	100% 5 out of 5
Speed of the County Council's own 'major development' decisions		
2023-24	(90%)	100% 3 out of 3
2022-23	(90%)	100% 1 out of 1
2021-22	(90%)	Nil 0 out of 0
Applications determined under delegated powers		
2023-24	(80%)	94% 16 out of 17
2022-23	(80%)	83% 10 out of 12
2021-22	(80%)	82% 9 out of 11