

HERTFORDSHIRE COUNTY COUNCIL

CABINET

MONDAY, 13 NOVEMBER 2017 AT 2.00PM

COUNTY COUNCIL

TUESDAY, 21 NOVEMBER 2017 AT 10.00AM

**WASTE LOCAL PLAN REVIEW, DRAFT INITIAL
CONSULTATION DOCUMENT**

Report of the Chief Executive and Director of Environment

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Executive Member: Derrick Ashley, Environment, Planning & Transport

1. Purpose of report

1.1 To enable Members to consider whether to approve the Waste Local Plan (WLP) draft Initial Consultation document, attached at Appendix 1 to the report, for a period of formal consultation of at least six weeks to commence in February 2018, in accordance with Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2. Summary

- 2.1 As the Waste Planning Authority for Hertfordshire, the Council has a statutory responsibility to prepare, implement and review a Waste Local Plan as part of the development plan¹.
- 2.2 The existing Waste Local Plan comprises the Waste Core Strategy and Development Management Policies document (adopted 2012) and the Waste Site Allocations document (adopted 2014). The Employment Areas of Search Supplementary Planning Document was produced to accompany the WLP in 2015. The Waste Site Allocations document states that 'the Plan will be reviewed in full every five years and a partial review may be undertaken sooner than that if required'. In line with this commitment, the Council is in the early stages of reviewing all three of Hertfordshire's waste planning documents.
- 2.3 The Waste Local Plan requires a formal process of review to ensure that the waste planning policy framework in the county remains up to date, reflects the most recent policy and guidance and takes account of new information and changing circumstances.

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¹ The Hertfordshire development plan consists of the 10 District & Borough Local Plans, the Minerals Local Plan, the Waste Local Plan and any adopted Neighbourhood Plans.

- 2.4 The Council has an adopted Statement of Community Involvement (SCI) which sets out the formal stages of consultation the Council must undertake during the preparation of a local plan. Initial Consultation is the first of these stages.
- 2.5 The purpose of Initial Consultation is to seek views from interested parties including district/borough councils, members of industry and neighbouring authorities on the subject of the planning document being prepared and to invite representations to be made regarding the content of the Plan. Following Initial Consultation, the Council will take into account all representations in the preparation of subsequent documents as part of the Waste Local Plan review process.

3. Recommendation

- 3.1 The Environment, Planning and Transport Cabinet Panel considered a report on this item of business at its meeting on 1 November 2017. The Panel recommended to Cabinet:-

“That Cabinet recommends to Council that County Council approves the Waste Local Plan draft Initial Consultation document, attached as Appendix 1 to the report, for a six week period of public consultation commencing in February 2018, in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012.”

- 3.2 Cabinet’s recommendation/s to Council will be circulated in the County Council Order of Business.

4. Background to the Initial Consultation

- 4.1 The Council, as Waste Planning Authority, has a statutory responsibility to produce a Waste Local Plan for the county which identifies sufficient opportunities to meet the identified needs of Hertfordshire for the management of waste, aiming to drive waste management up the Waste Hierarchy. The Waste Local Plan should identify sites and/or areas that may be suitable for waste uses and contain strategic and land use policies, against which planning applications are judged.
- 4.2 Since the adoption of the documents that make up the Waste Local Plan, there have been a number of changes to the planning system, regulatory framework and guidance related to waste management. The most significant of these include:
- 1) The introduction of the National Planning Policy for Waste
 - 2) Amendments to the National Planning Policy Guidance
 - 3) The publication of the Waste Management Plan for England.
- 4.3 Additionally, a review will ensure that the Plan takes account of new information and changing circumstances in the county so that appropriate guidance can be given to waste operators and the general public as to what waste development is required and where future waste development should take place.

- 4.4 A paper was presented to the Environment, Planning and Transport Cabinet Panel in June 2017 setting out the proposed way forward for the Waste Local Plan review. This paper presented the timetable for Plan production and the main issues which need to be reviewed during the early stages of Plan production.
- 4.5 The timetable in the Minerals and Waste Development Scheme (MWDS), attached at Appendix 2 to this report, outlines how reviewing an adopted plan is a lengthy, technical process. The process is currently expected to be completed in winter 2020 and will contain several stages of public consultation that are set out in the Statement of Community Involvement for Hertfordshire's Minerals and Waste Planning Documents (SCI) (adopted 2013).
- 4.6 The SCI is required by the Planning and Compulsory Purchase Act 2004 and sets out the process of community involvement which the Council must follow during the preparation of local plans, taking into account the most recent changes in legislation through the Localism Act 2011 and the subsequent Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.7 The draft Initial Consultation document will form the first stage of consultation prescribed by the SCI and will be the first opportunity for interested parties to make written representations during the review process.
- 4.8 In accordance with Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012, interested parties must be notified of the subject of a local plan that the Local Authority is preparing and must be invited to make representations about what the local Plan ought to contain.
- 4.9 The draft Initial Consultation document addresses this by allowing interested parties to make representations regarding the contents of the Waste Local Plan before policies and sites are included, if required, in subsequent stages of consultation.

5. Stakeholder Event

- 5.1 Council officers held a stakeholder event on 23 August 2017 to seek initial views regarding the following issues prior to development of the draft Initial Consultation document:
- 1) Plan Vision
 - 2) Plan Objectives
 - 3) Sustainability Appraisal Objectives and Sub-Objectives
- 5.2 The event was run alongside representatives from Land Use Consultants (LUC), an external consultancy firm selected via a tender exercise to undertake aspects of the WLP review on behalf of the County Council.
- 5.3 Twenty-three stakeholders attended the event, including representatives from Hertfordshire's district/borough councils, adjoining authorities, community groups and other public bodies.

5.4 The event aimed to raise awareness that a review of the Waste Local Plan was being undertaken as well as giving attendees an opportunity to provide input to the Initial Consultation document.

6. Waste Local Plan Vision

6.1 The new Plan will include a vision and a corresponding series of objectives. Together, they will form the basis of the Plan and become the guiding principles for waste planning in the county.

6.2 Due to the extensive range of potential representations regarding the vision, a draft version of the vision was developed for the stakeholder event based on the vision included in the adopted WLP. Attendees were asked to provide preliminary comments on the content, wording and style of the vision prior to the Initial Consultation process.

6.3 Using feedback from the event, a new draft vision was produced and included in the draft Initial Consultation document.

6.4 Following the consultation period, it is hoped that a final version of the vision can be confirmed to guide the development of the emerging WLP.

7. Waste Local Plan Objectives

7.1 The new Plan will contain a series of objectives. The objectives are vitally important to the Plan. They will guide the development of robust and comprehensive policies that set out the quality of waste development expected in the county. Meeting all the objectives should ensure that the vision of the Plan is achieved.

7.2 A draft series of objectives were produced for the stakeholder event based on the objectives included in the adopted WLP with minor amendments to terminology where considered appropriate by Council officers. Attendees were asked to provide preliminary comments on the content, wording and style of the vision prior to the Initial Consultation process.

7.3 Using feedback from the event, a new draft series of objectives were produced and included in the draft Initial Consultation document.

7.4 Following the consultation period, it is hoped that the objectives can be confirmed to guide the development of the emerging WLP.

8. Sustainability Appraisal Objectives

8.1 It is a legal requirement to carry out a Sustainability Appraisal (SA) during the preparation of a local plan to appraise the social, environmental and economic effects of the Plan and to ensure that the Plan is as sustainable as possible. The SA will incorporate a Strategic Environmental Assessment (SEA) which has a greater focus upon environmental considerations.

- 8.2 The Sustainability Appraisal is to be carried out by independent consultants, LUC.
- 8.3 At this early stage of the Plan preparation, the objectives of the SA must be confirmed so that subsequent stages of the preparation have a list of criteria to be assessed against.
- 8.4 At the stakeholder event, attendees were asked to comment on the wording of a series of objectives and sub-objectives proposed by LUC and suggest new objectives if they felt there were gaps in the proposed list.
- 8.5 Following the event, LUC took the representations into account and developed an amended series of SA objectives that are included in the Hertfordshire Waste Local Plan SA Scoping Report. This document will be published alongside the Initial Consultation as a supporting document, for consultees to make representations on as part of the consultation.

9. The draft Initial Consultation document

- 9.1 The draft Initial Consultation document sets out the context in which it sits within the process of reviewing the Waste Local Plan and describes the methods by which representations can be submitted. The document provides a background to the planning system and the waste industry in the county as an introduction to the issues which the Council are seeking responses to.
- 9.2 The document provides consultees with their first opportunity to make written representations to the review of the Waste Local Plan and an opportunity to make representations on the proposed content of the Plan.
- 9.3 The Waste Local Plan will be subject to a number of consultations during the review, as stated in the adopted Minerals and Waste Development Scheme (2016). The anticipated key milestones are shown in Table 1.

Table 1

Proposed Stages of Consultation for Waste Local Plan		
Winter	2018	Initial Consultation
Summer	2019	Draft Plan
Winter	2020	Submission to secretary of state

- 9.4 Specific sections contained within the document are summarised below:
- 9.5 Chapter 1: Introduction sets out the content of the document, introducing the Council as the Waste Planning Authority for Hertfordshire and the need to review the existing Waste Local Plan.
- 9.6 Chapter 2: Background provides a description of the UK planning system and explains why the Waste Local Plan is included in the development Plan for Hertfordshire. The reasons for reviewing the Waste Local Plan are stated and the process that the review will follow is outlined.

- 9.7 Chapter 3: Waste Management Principles introduces the need to plan for waste, the key concepts of waste management and the legislative origins of these concepts.
- 9.8 Chapter 4: Challenges Planning for Waste in Hertfordshire gives an overview of the issues when planning for waste in Hertfordshire which must be taken into account during the preparation of the WLP. This includes a general overview of the Hertfordshire waste industry and an overview of the main planning constraints to waste planning.
- 9.9 Chapters 5-6: Vision and Objectives contain the draft vision and objectives that have been prepared taking into account the representations made by attendees at the stakeholder event held on 23 August 2017. The Council are seeking views on the aspects of national and Hertfordshire County Council corporate policy that are covered in the vision, the overall scope and aspirations of the emerging WLP, and whether or not meeting the draft objectives will ensure that the vision for Hertfordshire is achieved.
- 9.10 Chapter 7: Plan Approach & Plan Length describes the two most appropriate approaches that can be taken in the preparation of a Local Plan and introduces the preferred approach of national policy for the production of a single Local Plan document. The chapter also introduces the preference of national policy for planning authorities to prepare a Plan that covers a 15 year period. The Initial Consultation seeks the views of consultees on the approach and duration of the Plan.
- 9.11 Chapter 8: Waste Data & Capacity Gap presents the Draft Capacity Gap Report (CGR) which outlines how the County Council will determine if Hertfordshire has any capacity gaps for the management of waste. The CGR will form a central part of the evidence base for the review of the WLP. The identification of sufficient management capacity, or a lack thereof, will justify the allocation or exclusion of potential waste sites in the WLP and will help to shape policies which will be used to determine individual planning applications through the Plan period. The assumptions included in the CGR are explained and two growth scenarios are presented for each of the identified key waste streams. The Council seeks views on the assumptions used in the Draft CGR and what growth scenarios should be used in the final CGR to guide the remainder of the preparation of the WLP.
- 9.12 Chapter 9: Waste Sites and Areas states the purpose of the allocated sites and areas in the adopted WLP and the requirement of the NPPW for WPAs to identify site and/or areas for new or enhanced waste management. Readers are asked about the approach to the allocation of sites and/or areas in the emerging WLP.
- 9.13 Chapter 10: Safeguarding states the requirement of the NPPF for WPAs to include strategic policies in their Plan for the provision of waste management. The chapter describes the importance of maintaining a strategic network of waste facilities in the county and the protection given to existing waste sites in the adopted WLP. The Council seeks the views of consultees on whether the

emerging WLP should continue to safeguard existing waste sites to help deliver the provision of waste management in Hertfordshire.

- 9.14 Chapter 11: Policies Used to Determine Applications provides an overview of the findings of an internal audit of the policies in the existing WLP against national policy. A list of policy headings for inclusion in the draft Plan is proposed to meet the gaps in policy identified during the audit. The content of the policies does not need finalising at this stage. The Initial Consultation seeks views on the range of proposed policies and whether any additional topics should be included.
- 9.15 Chapter 12: Sustainability Appraisal contains the headline objectives of the Sustainability Appraisal, proposed by LUC, taking account of feedback from the stakeholder event. Readers are referred to the Hertfordshire Waste Local Plan SA Draft Scoping Report 2017 for full details of the appraisal but are asked to comment on the appropriateness of the headline objectives as a framework to determine the sustainability of the Waste Local Plan.
- 9.16 Chapter 13: Summary reiterates the methods by which representations can be made and the dates of the consultation period.

10. Next Steps

- 10.1 Following approval from Cabinet and County Council, the public consultation on the Waste Local Plan review draft Initial Consultation document will be in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation on the document will be for at least six weeks commencing in February 2018. The outcomes of the Initial Consultation will be presented to Panel later in 2018.
- 10.2 Depending on the responses to the Initial Consultation, the Council may need to undertake a process of site selection to identify sites and/or areas to meet identified gaps in the existing waste management capacity. An appropriate methodology may need to be developed and may include a Call for Sites exercise for landowners or developers to promote sites they wish to be identified in the WLP. Members will be requested to consider the site selection methodology prior to seeking approval for a Call for Sites, should sites and/or areas be considered a necessary inclusion in the WLP.
- 10.3 Following the consultation period, the review process will follow the timetable outlined in the MWDS, taking account of the SCI. It is anticipated that a draft Waste Local Plan, incorporating results from a site selection process, will be presented to Members prior to public consultation in time for summer 2019.

11. Financial Implications

- 11.1 The cost of producing the Waste Local Plan review draft Initial Consultation document (printing, distribution, adverts etc) is included in existing budgets. There is also an existing budget for employing consultants to carry out the required Strategic Environmental Assessment/Sustainability Appraisal.

12. Equalities Implications

- 10.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equality implications of the decision that they are making.
- 10.2 Rigorous consideration will ensure proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of the Hertfordshire Waste Local Plan Review Equality Impact Assessment produced by officers.
- 10.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation
- 10.4 The Waste Local Plan review Equalities Impact Assessment (EQIA), attached as Appendix 3 to the report, concludes that potential equality impacts may arise during stakeholder events and consultations and proposes a range of reasonable mitigations to minimise the potential impacts (these mitigations are set out in section 8 of the EQIA).

Appendix 1 – Hertfordshire Waste Local Plan review draft Initial Consultation document

Appendix 2 – Minerals and Waste Development Scheme timetable

Appendix 3 – Equalities Impact Assessment

Background Information:

Planning and Compulsory Purchase Act (2004)

http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf

Localism Act (2011)

http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf

Town and Country Planning (Local Planning) (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf

Waste Management Plan for England
<https://www.gov.uk/government/publications/waste-management-plan-for-england>

The National Planning Policy Framework (2012), DCLG
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Policy for Waste (2014), DCLG
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>
National Planning Practice Guidance
<https://www.gov.uk/government/collections/planning-practice-guidance>

Waste Core Strategy and Development Management Policies document (adopted November 2012)
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-planning.aspx>

Waste Site Allocations document (adopted July 2014)
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-planning.aspx>

Employment Areas of Search, Supplementary Planning Document (adopted November 2014)
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-planning.aspx>

Statement of Community Involvement (adopted 2013)
<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/planning-in-hertfordshire/statement-of-community-involvement.pdf>

Minerals and Waste Development Scheme (adopted November 2016) <https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/minerals-and-waste-development-scheme-november-2016.pdf>

Hertfordshire Draft Capacity Gap Report for the Initial Consultation
Hertfordshire Waste Local Plan SA Scoping Report – Land Use Consultant
Hertfordshire Waste Local Plan Review Equality Impact Assessment
Three documents located: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-local-plan-review/waste-local-plan-review.aspx>

Environment, Planning and Transport Cabinet Panel, June 2017 ([Environment, Planning & Transport Cabinet - 30 June 2017](#))