

HERTFORDSHIRE COUNTY COUNCIL**ENVIRONMENT, PLANNING & TRANSPORT
CABINET PANEL****THURSDAY, 7 SEPTEMBER 2017 AT 10:00AM****MINERALS AND WASTE LOCAL PLAN – AUTHORITY’S MONITORING
REPORT***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 consider the Authority’s Monitoring Report (AMR) for the period 1 April 2016 until 31 March 2017. The key findings of the AMR and issues for Hertfordshire County Council are set out in Section 5 of this report.

2. Summary

- 2.1 The AMR is a reporting mechanism that assesses whether the policies within the County Council’s minerals and waste Local Plans are being implemented effectively. Fifteen out of the 22 policies listed in the Waste Local Plan and 16 out of the 19 Policies listed in the Minerals Local Plan, were used to determine County Matter (Minerals and Waste) applications throughout the period of which this year’s AMR covers. Tables 3 and 4 in this report provide further details as to why the three Minerals Local Plan policies and seven of the Waste Local Plan policies have not been used to determine Minerals or Waste applications in this year’s AMR period (1 April 2016 to 31 March 2017).
- 2.2 The 17 targets and 18 indicators for the Waste Core Strategy and Development Management Policies Document 2011-2026, are included and monitored within the AMR. Each of them has been individually assessed and is supported by text, providing details on how and if the target was met.
- 2.3 From 1 April 2016 to 31 March 2017, 4 mineral applications and 10 waste applications were determined. Details of all 14 County matter (minerals and waste) applications have been included in the AMR, summarised within appendix tables 3 and 4, to provide site name, site operator/applicants name, description of the application, policies used to assess the application, decision and date and any additional capacity that has been provided.

- 2.4 The AMR also contains other monitoring data, which is outlined in paragraphs 4.3 and 4.4 of this report.
- 2.5 National planning legislation requires all local planning authorities in England to produce an AMR at least on an annual basis. This AMR has been produced in accordance with National Policy and the requirements under Regulation 34 of The Town and Country Planning (Local Planning) (England) (Regulations) 2012. The report is presented here for the Cabinet Panel's consideration as an information item, prior to the AMR being placed on the county council's website.

3. Recommendation

- 3.1 The Cabinet Panel is invited to:
- i) comment on the AMR as outlined in the report and attached at Appendix 1 of this report, and;
 - ii) acknowledge that it will be placed on the County Council's website

4. Background

- 4.1 The County Council has been producing monitoring reports for the minerals and waste local plans since 2005. The introduction of the 2012 Town and Country Planning Regulations changed the way in which Annual Monitoring Reports are produced. These are now referred to as Authority's Monitoring Reports and will include the monitoring information outlined in Section 5 of this report.
- 4.2 Monitoring helps to assess whether minerals and waste plan-making is on track, and to highlight any potential gaps in its evidence base.
- 4.3 Regulation 34 of the 2012 Town and Country Planning Regulations stipulate a number of monitoring indicators that each AMR must contain. For minerals and waste these are:
- The title of the local plans or supplementary planning documents specified in the Minerals and Waste Development Scheme;
 - The timetable for plan production as specified in the Minerals and Waste Development Scheme;
 - The stage the document(s) have reached in their preparation and any reasons for slippage in the prescribed timetable;
 - A statement and date of any documents that have been adopted;
 - Identify any policies that are not being implemented and include a statement as to why they have not been implemented the policy;
 - The steps that the Minerals and Waste Planning Authority intend to take to secure that the policy is implemented; and

- Details of any action taken where Minerals and Waste Planning Authority has co-operated with another Local Planning Authority, county council, or a body or person prescribed under section 33A of the Localism Act, 2011.

4.4 Each AMR includes the above information together with:

- The capacity of new waste management facilities by type
- The volume of local authority collected waste arisings (formerly municipal solid waste), and how managed by type, and the percentage each management type represents of the waste managed

4.5 AMRs produced by the county council prior to 2013 included monitoring information on the production of primary land-won and secondary/ recycled aggregates for each calendar year. This information is now contained in the Local Aggregates Assessment as a standalone document.

4.6 It is important to note that this year's AMR and subsequent ones to follow will continue to monitor Hertfordshire County Council's (as the Waste Planning Authority) compliance with the relevant European Directives set out within the AMR, until Britain exits the European Union (which is scheduled to take place by the end of March 2019).

4.7 The influence that the EU has on the planning system is through Directives which are transposed into legislation within the UK nations. At this moment in time it is too early to know what implications leaving the European Union will have on the planning system in Britain, in terms of its work and the legal and economic context under which it operates.

4.8 This AMR also includes the following appendices:-

- Appendix 1: Current Minerals and Waste Local Plan Policies
Contains a list of policies from the documents that form the Waste Local Plan and a list of 'saved' policies from the adopted Minerals Local Plan (all policies from the Hertfordshire Minerals Local Plan adopted March 2007 were saved under paragraph 1(3) Schedule 8 of the Planning and Compulsory Purchase Act 2004 in March 2010 until the replacement of new policies);
- Appendix 2: List of Safeguarded Sites
Lists minerals and waste sites (per district) within the county that are safeguarded as of March 2017;
- Appendix 3: Mineral Applications Determined from 1 April 2016-31 March 2017
Lists all of the mineral planning applications determined within this AMR period, the policies used to determine them and the outcome of each application.

- Appendix 4: Waste Applications Determined from 1 April 2016-31 March 2017
Lists all of the waste planning applications determined within this AMR period, the policies used to determine them and the outcome of each application.
- Appendix 5: Minerals and Waste Development Scheme Timetable
Contains the most recent timetable (adopted November 2016) for the production and monitoring of the minerals and waste local plans. The timetable runs from 2016-2020.

5. Summary of key points from the Authority's Monitoring Report and issues for Hertfordshire County Council

- 5.1 The following data has been extracted from the AMR, which details the key points that have been monitored during the period of time that this AMR covers.
- 5.2 In November 2016, the Waste Disposal Authority at Hertfordshire County Council revised its Local Authority Collected Waste Spatial Strategy. The document states that the Waste Disposal Authority considers that there is adequate capacity provided by existing privately owned facilities and facilities with planning permission to treat projected organic waste levels up to 2030/31¹.
- 5.3 As a result of the findings set out in the revised Waste Spatial Strategy, Hertfordshire County Council, as the Waste Planning Authority, will no longer be reporting on the capacity provided to treat Local Authority Collected (LAC) Organic Waste for the identified shortfalls in Table 5 of the Waste Core Strategy.
- 5.4 Details of capacity provided since 2011 for the identified shortfalls in Waste Core Strategy Tables 6, 8 & 9 can be seen in Chapter five of the AMR.
- 5.5 During the period 1 April 2016 to 31 March 2017, the county council determined 14 'county matter' (minerals and waste) planning applications.
- 5.6 As seen in Table 1 below, eight out of the determined ten waste planning applications were approved. Although the determined waste applications are county matter, none of the eight approved applications provided any additional capacity for the shortfalls identified in Waste Core Strategy Tables 6, 8 & 9.
- 5.7 None of the determined waste applications proposed a new waste management facility that would provide additional capacity nor did any of the applications propose to add capacity to an existing facility. For this reason there has been no additional capacity provided during the period of this year's AMR (1 April 2016 – 31 March 2017).

¹ Wording from Waste Disposal Authorities' Local Authority Collected Waste Spatial Strategy October 2016

5.9 Details of the determined Mineral and Waste applications are set out in appendix 3 and 4 of the AMR. A breakdown of these applications is listed below, in Table 1:

Table 1: Number of Minerals and Waste Applications 1 April 2016 to 31 March 2017

	Type	Number of Applications
Number of Applications Approved	Minerals	2
	Waste	8
Number of Applications Refused	Minerals	2
	Waste	2
Total		14

Local Authority Collected Waste Arisings in Hertfordshire 2016/2017

5.10 Local authority collected waste (formerly known as municipal solid waste) is collected by the districts and boroughs. The table below lists local authority collected waste arisings and treatment for the period of this year's AMR. These figures have been obtained from the county council's Waste Management Unit in June 2017 and cover the period for which this AMR covers.

Table 2: Management/disposal of local authority collected waste 2016/2017

Treatment	Tonnes	Percentage
Recycled	153,393.13	29.0
Composted	121,756.77	23.0
Energy Recovery	193,114.82	36.6
Landfilled	59,992.13	11.4
Total	528,256.85	100.0

5.11 In 2016/2017, 52% of Local Authority Collected Waste (LAC) was re-used, recycled or composted. To put this in some context, the National target for the UK is to re-use, recycle or compost 50% of household waste by 2020. A further 36.6% was delivered for treatment to energy recovery facilities. This is an increase of 5.2% compared to last year's figures for 2015/2016. This gives a total of 88.6% of LAC that was diverted from landfill and represents an increase of 6.6% on the previous equivalent combined figure from 2015/2016.

Implementation of Minerals and Waste Policies

5.12 Regulation 34 of the 2012 Town and Country Planning Regulations requires each Local Planning Authority to identify policies in the local plan that are not being implemented, the reasons why and any steps that are needed, in order to secure their future implementation.

5.13 The policies that are reviewed in this AMR are those that are within the adopted Minerals and Waste Local Plans. These are currently used to determine minerals and waste planning applications and form part of the statutory Development Plan.

Minerals Local Plan Policies

5.14 The adopted Minerals Local Plan contains 19 policies. During this year’s AMR period, three policies including, Minerals Policy 6: Other Non-Energy Minerals, Minerals Policy 10: Railheads and Wharves and Minerals Policy 19: Enforcement of Planning Control were not used to determine Minerals Planning applications. Details of these three policies and the reasons as to why they were not used to determine Minerals applications during this year’s AMR period, are listed in table 3 below:

Table 3: Unused Minerals Local Plan Policies from 1 April 2016 to 31 March 2017

Saved Minerals Local Plan Policy	Reason	Steps Needed to ensure implementation
Minerals Policy 6: Other Non-Energy Minerals	No relevant applications determined that would require the use of this policy	N/A
Minerals Policy 10: Railheads and Wharves	No relevant applications determined that would require the use of this policy	N/A
Mineral Policy 19: Enforcement of Planning Control	This policy is not relevant to decision making, however it reinforces Hertfordshire County Council’s enforcement duties and therefore is applied elsewhere	N/A

5.15 It is considered that there are no further steps necessary to ensure the future implementation of any of the unused Minerals Policies.

Waste Local Plan Policies

5.16 The Waste Site Allocations document (adopted in July 2014) contains two policies. This is the third time that policies contained within the Waste Site Allocations document have been monitored in the AMR since its adoption in 2014. Both policies have been used by the county council’s development management team during the period of this AMR.

5.17 The adopted Waste Core Strategy & Development Management Policies document contains 20 policies. During this year’s AMR period, seven out of the 20 policies in the Waste Core Strategy & Development Management Policies document were not used by the county council’s development

management team to assess development proposals. The reasons for which are outlined below in Table 4:

Table 4: Unused Waste Core Strategy Policies from 1 April 2016 to 31 March 2017

Waste Core Strategy Policy	Reason	Steps Needed to ensure implementation
Policy 3: Energy & Heat Recovery	No relevant applications determined that would require the use of this policy	N/A
Policy 5: Safeguarding of Sites	No relevant applications determined that would require the use of this policy	N/A
Policy 8: Waste Parks/Combined Facilities	No relevant applications determined that would require the use of this policy	N/A
Policy 10: Climate Change	No relevant applications determined that would require the use of this policy	N/A
Policy 14: Buffer Zones	No relevant applications determined that would require the use of this policy	N/A
Policy 17: Protection of Sites of International and National Importance	No relevant applications determined that would require the use of this policy	N/A
Policy 20: Monitoring and Enforcement	No relevant applications determined that would require the use of this policy	N/A

5.18 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’. The county council is therefore in the very early stages of the review. The first key milestones for reviewing the Waste Local Plan will be carried out over the next two years (2017- 2019) and will include initial evidence gathering, an initial consultation and a call for sites (if required). The key milestones for the Waste Local Plan review can be seen in the adopted Minerals and Waste Development Scheme (adopted November 2016) in Appendix 5 of the AMR. Progress of the Waste Local Plan will continue to be monitored in subsequent versions of the AMR.

Progress of the Minerals and Waste Development Framework

5.19 The Minerals and Waste Development scheme covers the period 2016-2020. It reflects the process of the Minerals Local Plan review, in particular the need to

undertake additional technical work for the Minerals Local Plan Draft Plan Consultation. It also sets out the proposed timeline to review the Waste Local Plan, which includes the period up to its submission in November 2020.

- 5.20 The EU Waste Framework Directive is made up of five Articles with which the county council, as the Waste Planning Authority, must comply. Section 6 of the AMR details how the county council, as Waste Planning Authority has complied with Articles 4, 13, 16, 28 and 34 of the EU Waste Framework Directive.
- 5.21 The county council has a responsibility to fulfil its 'Duty to Co-operate' obligation under Section 33A of the Planning and Compulsory Purchase Act 2004. Section 7 of the AMR details how the county council has complied with the 'Duty to Co-operate' obligation over the period 1 April 2016 to 31 March 2017, through engaging constructively, actively and on an ongoing basis with the prescribed bodies mentioned in the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

6 Next steps

- 6.1 This AMR covers the period 1 April 2016 to 31 March 2017 on county matter applications determined and the relevant minerals and waste local plans policies that have been used to determine them. The conclusion of this year's AMR determines that Hertfordshire's Mineral Planning Authority's documents, including the Minerals Local Plan and the Hertfordshire Waste Development Framework still remain a sound basis upon which to determine applications.
- 6.2 At this stage, no further action is needed to ensure the future implementation of any of the policies contained within the Minerals Local Plan or the Waste Local Plan documents due to both plans currently being under review. All policies will be considered during the Local Plan reviews to determine whether they have proved useful throughout Plan periods and whether they meet current national policy requirements. Evidence where policies no longer prove useful may be a trigger for their removal from the Minerals Local Plan or the Waste Local Plan documents, or for their rationalisation.
- 6.3 As it is stated in paragraph 3.29 of the AMR, the county council, as the Waste Planning Authority is in the process of procuring new software for the recording of planning and enforcement information and is investigating the use of an online portal which may be used to record complaints separately. It is anticipated that the targets and indicators within Chapter 3 of the AMR will need to be reviewed in light of any new software procured.
- 6.4 Additionally, the targets and indicators will need to be reviewed to take into account the conclusions of the Waste Disposal Authority's Local Authority Collected Waste Spatial Strategy 2016 as outlined in paragraphs 5.7 to 5.9 of the AMR.
- 6.5 This AMR will be published as an information item on the County Council's website.

7 Financial implications

- 7.1 The production of the AMR is an annual event and is accounted for within existing budgets.

8 Equality implications

- 8.1 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.
- 8.2 Rigorous consideration will ensure that 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 any Equalities Impact Assessment (EqIA) produced by officers.
- 8.3 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.
- 8.4 It is not anticipated that people with protected characteristics will be affected disproportionately by the information set out in this report.

Background papers:

Guidance for local planning authorities on implementing planning requirements of the European Union Waste Framework Directive (2008/98/EC), DCLG

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37011/Guidance_for_local_authorities_on_implementing_planning_requirements_of_the_European_Union_Waste_Framework_Directive_2008-98-EC .pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37011/Guidance_for_local_authorities_on_implementing_planning_requirements_of_the_European_Union_Waste_Framework_Directive_2008-98-EC.pdf)

Adopted Waste Core Strategy & Development Management Policies document, November 2012

<http://www.hertsdirect.org/docs/pdf/w/wcsadopt>

The National Planning Policy Framework (2012), DCLG

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

The Planning and Compulsory Purchase Act 2004

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

The 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