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18 December 2023

Sandwell Draft Regulation 18 Sandwell Local Plan
Planning and Regeneration
Sandwell Council
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Dear Sir or Madam,

Consultation on the Draft (Regulation 18) Plan Sandwell Local Plan
West Midlands Resource Technical Advisory Body Observations

The West Midlands Resource Technical Advisory Body (WMRTAB) was formed in 2011 and its overarching aim is to support co-operation between Waste Planning Authorities (WPAs) and others in the West Midlands, by providing objective and authoritative technical advice concerning the sustainable management of material resources and strategic waste management data, issues, and development policies and proposals. In particular, WMRTAB helps WPAs meet their obligations under the Duty to Cooperate for plan making. A copy of the Terms of Reference for WMRTAB is included as Appendix 1 and this lists the members of WMRTAB.

The Sandwell Local Plan (SLP) area is located wholly within the area covered by WMRTAB and it would therefore like to offer observations on the Regulation 18 Draft SLP¹ as set out below. These observations have been agreed by members of WMRTAB and are submitted by Cool Planet Resources Ltd which is contracted by WPAs in the West Midlands to provide support to WMRTAB.

Please note that this submission represents an officer level, technical response only and is made without prejudice to any comments that individual members of WMRTAB may make on the Regulation 18 draft SLP. Any responses submitted by individual members to these plans take precedence.

Duty to Cooperate

¹ Draft regulations Sandwell Local Plan (18) [Sandwell Metropolitan Borough Council - Draft Regulation 18 Sandwell Local Plan \(oc2.uk\)](#)

The Draft SLP notes that there is significant movement of waste into and out of Sandwell as follows:

'13.20 The BCWS waste projections also considered net waste imports. Around 1.35 million tonnes of waste were received at permitted waste sites (including landfill sites) and operational incinerators in Sandwell in 2021 (BCWS Table 2.10). The total imports into Sandwell originating from the West Midlands Region was 746 tonnes, representing 68% of the total waste received.'

[N.B. WMRTAB notes paragraph 2.8.7 of the [updated Black Country Waste Study for Sandwell](#) states that 'The total imports into Sandwell originating from the West Midlands region (excluding the waste originating in Sandwell) was 746,000 tonnes' and so the '746' value included in paragraph 13.20 shown above is an error.]

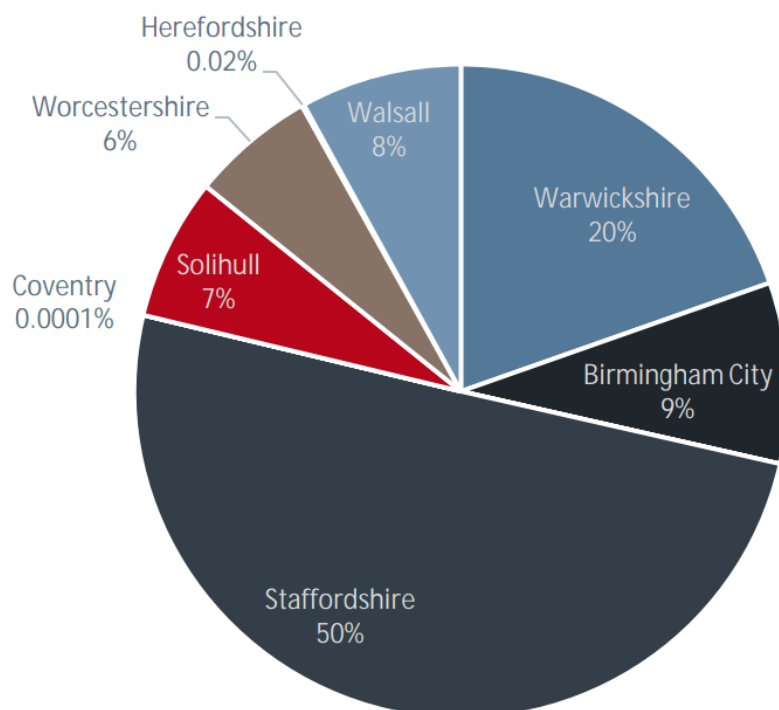
13.21 More than 80% of the waste received at permitted waste facilities in Sandwell (excluding incinerators) in 2021 by tonnage originated within the former West Midlands region (BCWS Appendix J, Table J4). However, the originating authority of 29.5% of this waste is not known. 15% of the waste is recorded as originating from within the Black Country, and 15% from Birmingham.

13.22 Similarly, more than 80% of the waste received at permitted sites in England which was recorded as having originated in Sandwell in 2021 (by tonnage) did not travel beyond the former West Midlands region. Outside the West Midlands, the East Midlands, Southwest and East of England were the three largest importers of waste into Sandwell, importing 9% of total waste.

13.23 In 2021 nearly 608kt of waste originating in Sandwell were exported to permitted sites in England and Wales.'

The distribution of waste arising in Sandwell to authorities in the West Midlands is set out in Figure 2.3 of the updated Back Country Waste Study for Sandwell (2023)² which is set out below:

² BCWS (Updated waste needs assessment to support preparation of emerging Local Plans for each Black Country Authority – Sandwell) (updated September 2023). [bca-waste-study-update-september-2023-](https://sandwell.gov.uk/bca-waste-study-update-september-2023/) (sandwell.gov.uk)



In light of the above, WMRTAB notes that meaningful dialogue between Sandwell and other Waste Planning Authorities is likely to be important to ensure it meets its obligations under the Duty to Cooperate.

The Sandwell Duty to Cooperate (DtC) Statement (published November 2023),³ paragraph 61 ‘Effect of new development on waste disposal’, notes that ‘The Council has been involved in waste discussions through the West Midlands Resource Technical Advisory Body (RTAB), a body set up to support and promote cooperation between Waste Planning Authorities (WPAs) and others. The Council sent DtC letters out to those Waste Planning Authorities where waste movements were above the agreed thresholds for waste movements. Letters were set out on the 19th April 2023 and were followed up on the 25th May 2023. Staffordshire, Dudley and Walsall Councils consider the matter to be significant enough to warrant a SoCG, whereas Cheshire East and Chester Council would like further discussions on the matter’.

It is understood that engagement related to ensuring compliance with the DtC is ongoing and that application of the WMRTAB Duty to Cooperate protocol has revealed that there are very few waste movements to WPAs which exceed the 20% threshold for movement to one authority and there are no movements within the last year that exceed the 40% threshold. At this stage WMRTAB notes that whilst a DtC statement⁴ has been prepared this does not set appear to out the purpose of the DtC correspondence that has taken place so far and whether there were any outcomes, particularly in terms of whether the Local Plans of other areas allowed

³ Sandwell Duty to Co-operate Statement (published November 2023) [slp-reg-18-duty-to-co-operate-statement \(sandwell.gov.uk\)](https://sandwell.gov.uk/slp-reg-18-duty-to-co-operate-statement)

⁴ Sandwell Local Plan - Regulation 18 Duty to Co-operate Statement, November 2023

for, or would allow for, the meeting of any future unmet waste management capacity requirements that currently exist or might exit in the future in Sandwell. The inclusion of such information is not essential, however WMRTAB wish to draw attention to the Planning Inspectorate '[Procedure Guide for Local Plan Examinations](#)' which includes the following (with emphasis added):

'Has evidence to demonstrate compliance with the Duty to Co-operate been prepared?'

*1.15. In order to demonstrate compliance with the duty to co-operate (section 33A of the PCPA), the most helpful approach is for the LPA to submit a statement of compliance with the duty. **The statement of compliance should identify any relevant strategic matters and how they have been resolved – or if they have not, why not. It should detail who the LPA has co-operated with and on which strategic matter(s), the nature and timing of the co-operation (e.g. by including meeting notes), and the outcomes of the co-operation, including how it has influenced the plan'***

In any event it is recommended that the outcomes of the application of WMRTAB protocol to identifying strategic waste movements be documented. In this regard WMRTAB notes that it is important that information within the evidence base concerning the need for Duty to Cooperate engagement (and, if required, nature, reason and any outcomes of the engagement) is included to allow consultees to comment on whether engagement with other Waste Planning Authorities is necessary and, if it has taken place, whether this has been sufficient to meet the legislative requirements. WMRTAB appreciates that any dialogue may be ongoing and, in any event, is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management.

Planning for Sufficient Waste Management Capacity

Paragraphs 13.17 to 13.28 set out estimated arisings and whether capacity gaps (surpluses) will exist in future. This is essentially the key findings of the 'Updated waste needs assessment to support preparation of emerging Local Plans for each Black Country Authority – Sandwell'. This report provides an updated assessment of the likely future waste management capacity gaps (and surpluses) for Sandwell based on 2021 data. WMRTAB notes that a previous study had been prepared in 2022 for the Black Country following advice from WMRTAB that waste needs assessments should be based on the latest available data. WMRTAB notes that more recent data, for 2022, is now available via the [Environment Agency Waste Data Interrogator 2022](#) that was published in November.

WMRTAB notes that paragraph 13.17 of the Draft SLP states that '*under current projections, the quantity of waste Sandwell is projected to manage increases from 1.75 mt in 2021 to 2.2 mt in 2040 – 41, equating to an increase of 26% or 1.2% per annum. An ongoing emphasis on waste reduction has seen a 7.5% reduction in*

waste per household since 2006 - 07 and this trend could have a significant influence on future waste growth. However, there are emerging changes in the need for different types of waste management capacity’.

Paragraph 13.20 of the Draft SLP states that **‘the BCWS waste projections also considered net waste imports**. Around 1.35 million tonnes of waste were received at permitted waste sites (including landfill sites) and operational incinerators in Sandwell in 2021 (BCWS Table 2.10). The total imports into Sandwell originating from the West Midlands Region was 746 tonnes, representing 68% of the total waste received’. WMRTAB supports the recognition of Sandwell’s role in managing waste from other areas.

[see comment about the ‘746’ error above – this should read 746,000]

Paragraph 13.39 further notes that the ‘quantity of waste Sandwell is projected to manage (included imported waste) is predicted to increase from 1.75 million tonnes (mt) in 2021 to 2.1 mt in 2040-41, equating to an increase of 23% or 1.1% per annum. However, this does not appear consistent with data in paragraph 13.17 which states (inconsistencies highlighted):

‘Under current projections, the quantity of waste Sandwell is projected to manage increases from 1.75 mt in 2021 to 2.2 mt in 2040 – 41, equating to an increase of 26% or 1.2% per annum. An ongoing emphasis on waste reduction has seen a 7.5% reduction in waste per household since 2006 - 07 and this trend could have a significant influence on future waste growth. However, there are emerging changes in the need for different types of waste management capacity.’

WMRTAB recommends that the figures highlighted are checked to ensure they are consistent, or an explanation of the inconsistency is provided. In any event WMRTAB supports the approach to recognising waste imports in calculation of arisings to be planned for.

Future waste management ‘capacity gaps’ for the Black Country (Sandwell, Dudley, Wolverhampton and Walsall) are identified over the plan period. The Draft SLP states, at paragraph 13.26, that Table 4.9 of the Black Country Waste Study (BWCS) ‘predicts that the following additional waste management capacity will need to be delivered in the Black Country between 2021 and 2041 to maintain net self-sufficiency’:

- a. re-use / recycling (non-hazardous municipal waste) – 813 kt to 4tpa [Note that a value of ‘4 tonnes per annum’ suggests that data is being presented with ‘spurious precision’ which national policy advises against].
- b. energy recovery (residual municipal waste) – 335 to 663 kt tpa’

The BCWS (updated 2023) (Updated waste needs assessment to support preparation of emerging Local Plans for each Black Country Authority – Sandwell) identifies a range of waste management capacity gaps for recycling, recovery and landfill calculated using the following three scenarios:

Table 3.7 Waste Management Scenarios

	Household waste	C&I waste	CD&E waste
Waste management scenario 1 (WMS1): no change in recycling performance	No change in household waste recycling	No change in C&I waste recycling	No change in CD&E recycling
Waste management scenario 2 (WMS2): meet EU Circular Economy targets	65% household waste reuse, recycling and composting by 2035	65% C&I waste reuse, recycling and composting by 2035	c.85% CD&E recycling or recovery by 2030
Waste management scenario 3 (WMS3): progress towards EU Circular Economy targets	60% household waste reuse, recycling and composting by 2035	60% C&I waste reuse, recycling and composting by 2035	c.80% CD&E recycling or recovery by 2030

Existing capacity is set out in paragraph 2.6.3 of the updated BCWS as follows: 'in 2021 the capacity of permitted waste sites in Sandwell was estimated to be:

- Recycling and Recovery – 922,000 tonnes per annum
- Transfer – 394,000 tonnes per annum
- Inert Landfill – 0 cubic metres/ 0 tonnes
- Non-Hazardous Landfill – 5.6 million cubic metres/ 4.8 million tonnes
- Hazardous Landfill – 0 cubic metres/ 0 tonnes

.....This gives a total baseline capacity of around 6.1 million tonnes'.

The capacity gaps are identified in the updated BWCS as follows:

Table 3.9 Projected Capacity Gaps/Surpluses under each WMS over the Plan Period, by Site Category (tonnes)

Site Category	2021/22	2025/26	2030/31	2035/36	2040/41
Recycling:					
WMS1	-59,000	-77,000	-103,000	-130,000	-159,000
WMS2	-59,000	-165,000	-286,000	-413,000	-472,000
WMS3	-59,000	-137,000	-254,000	-315,000	-367,000
Recovery:					
WMS1	-168,000	217,000	200,000	182,000	162,000
WMS2	-168,000	210,000	115,000	82,000	37,000
WMS3	-168,000	187,000	117,000	77,000	32,000

Site Category	2021/22	2025/26	2030/31	2035/36	2040/41
Transfer:					
WMS1	32,000	22,000	6,000	-11,000	-30,000
WMS2	32,000	40,000	53,000	108,000	97,000
WMS3	32,000	30,000	27,000	20,000	3,000
Disposal:					
WMS1	4,512,000	3,489,000	2,199,000	902,000	-404,000
WMS2	4,512,000	3,576,000	2,420,000	1,166,000	-93,000
WMS3	4,512,000	3,570,000	2,413,000	1,161,000	-98,000

Figures may not sum due to rounding.

The commentary relating to Table 3.9 is set out in the following paragraphs which state (with emphasis added):

*'3.5.25 Table 3.9 shows us that the waste management capacity gaps over the Plan Period are more apparent for recycling sites under WMS option 2 and 3 as more waste is sent for recycling in line with government targets. There is also a capacity deficit for recovery sites up until 2025 over all three options, more so for WMS3; however, after 2025 extra recovery capacity comes online and there is no longer a recovery deficit. Given the internal increase in waste sent for recycling, and the reduced requirement on waste sent for recovery, it is expected that waste imported for recovery to be slightly higher under WMS2 than WMS3. Under WMS3 the internal demand for recovery capacity is higher with less waste sent for recycling, but the recovery projections for C&D waste are higher under WMS2 option. **There is sufficient disposal capacity over most of the plan period under all three options**, in particular under WMS2 and WMS3 as less waste is sent for disposal. From 2039 onwards however, WMS1 has a disposal deficit closely followed by WMS2 and WMS3 in 2040'.*

*3.5.26 Housing growth will put pressure on existing household waste management capacity, and as this is largely managed outside Sandwell under current contractual arrangements this is an important focus going forward. **Sandwell may also need to accommodate some of the waste capacity requirements of other waste planning authorities, especially as they are a net importer of waste, putting greater pressure on an already saturated waste management infrastructure capacity.***

*3.5.27 **There are limited options for residual waste disposal** with few quarries in Sandwell likely to come forward for restoration by infilling with inert or non-hazardous waste during the Plan Period. **There are also limited options for CD&E waste recycling and organic waste treatment; there are no composting or anaerobic digestion facilities within the area.***

3.5.28 In order to achieve ‘net self-sufficiency’ Sandwell would be expected to provide for extra waste capacity of the types it can in theory accommodate (e.g. re-use, recycling, MRS, energy recovery, waste treatment, inert and non-hazardous landfill) to make up for the types of waste capacity it cannot accommodate because of being a largely built-up area (e.g. composting, AD, hazardous landfill).

WMRTAB notes that capacity gaps are therefore identified in the updated BWCS, however it has the following observations:

1. Due to the use of different terms, it is not absolutely clear how the capacity gaps identified in Table 3.9 translate to the capacity it is stated could be accommodated (in theory) in Sandwell in paragraph 3.5.28; and,
2. while the capacity gaps are clearly set out on the updated BWCS they are not clearly stated in the Draft SLP.

WMRTAB recommends that the Draft SLP should clearly state and indicate how the quantum of additional capacity, of each different waste management capacity type is being planned for by the SLP. In particular, the SLP should state clearly what the future requirement for landfill capacity will be and how that requirement is to be met. This should include any expectation that waste to be managed by landfill will be exported to other areas.

Notwithstanding the fact that the maintenance of net self-sufficiency (in terms of provision for waste management) appears to have been taken into account in the estimates of capacity gaps, it is not included as an objective within the Draft SLP. For the avoidance of doubt, WMRTAB consider that such an objective should be clearly included within the SLP.

Locations for Waste Management

WMRTAB notes that no specific sites for new waste management facilities have been allocated in the Draft SLP. Paragraph 13.47 (Identification of Preferred Sites) states: *‘it is not proposed to allocate specific sites for waste in the Local Plan because no new sites likely to be deliverable within the plan period have been identified, apart from sites that already have planning permission (NPPF, 16, 35, Annex 2). To have sufficient confidence to allocate a site, it would need to be actively promoted for a waste management use by the Council, a landowner and / or a commercial waste operator’.*

However, paragraph 13.38 of the Draft SLP states: *‘The identification and delivery of new waste management facilities will make a significant contribution towards meeting new capacity requirements set out above and will meet the aims and objectives of the Plan.’*

Policy SWA3 states: *‘The preferred locations for waste management facilities are the Local Employment Areas shown on the Sandwell Local Plan Policies Map.’*

Paragraph 13.57 goes into further detail explaining that (with emphasis added):
*‘Several **broad locations** suitable for the development of new waste management facilities in Sandwell have been identified in Table 13 of Policy SWA3’*

WMRTAB acknowledge that the choice of the ‘Preferred Areas’ identified in the BWCS *‘as being most suited to the development of new waste recovery, treatment, and transfer infrastructure’* was based on a series of locational considerations and constraints to identify the most appropriate likely future location for new waste facilities.

WMRTAB understand Sandwell has undertaken numerous Call for Sites exercises during the preparation of the current Local Plan and as part of its involvement in the former Black Country Plan.

WMRTAB acknowledges that the approach of not allocating specific sites reflects the local circumstances/nature of the Black Country whereby waste sites frequently feature within general employment areas across the urban area and these are located within large urban areas that are constrained in terms of opportunities for new developments overall. WMRTAB recommends that the approach, of not allocating specific sites and relying on general areas and areas of employment land, be robustly justified within the evidence base.

Landfill

Although at the bottom of the waste hierarchy, non-hazardous landfill is still an important type of waste management that needs to be planned for and WMRTAB notes that there is little consideration of this matter in the Draft SLP, with no mention how non-hazardous landfill would be planned for.

A report prepared for WMRTAB on landfill in the West Midlands indicates the following for 2019:

There are five landfill sites for inert, non-hazardous & hazardous waste in the Black Country. At the end of 2019, active inert landfill capacity was estimated at 690,000 (m³), non-hazardous LF capacity estimated at 11,666,401 (m³) and non-hazardous LF capacity with SNRHW cell estimated at 418,953 (m³). Landfill sites have been allocated in Walsall⁵ which allow a further increase inert landfill capacity of 3,000,000 (m³) in future.

WMRTAB notes that it is important that the future management of waste requiring disposal is planned for in the SLP and recognises that this should be resolved via the ongoing Duty to Cooperate engagement.

Waste management development considerations

WMRTAB generally supports the development considerations set out in Policies SWA1, SWA2, SWA3, SWA4 and SWA5 in relation to employment areas, minimising harm to human health and the environment, and other impacts of waste management

proposals such as on surrounding buildings, resources and constraints on development.

WMRTAB suggests that the meaning of Policy SWA1-Waste Infrastructure Future Requirements could be clarified. Currently this states (with emphasis added):

‘Waste Infrastructure Future Requirements:

1. *Proposals for **relevant, major development** shall evidence how its operation will minimise waste production, as well as facilitating the re-use and recovery of waste materials including, for example, through recycling, composting and energy from waste.*
2. *Waste operators will be expected to demonstrate that the greenhouse gas emissions from the operations involved and associated transport of waste from source to processing facility have been minimised, in line with national and local targets for the transition to a net zero carbon economy.*
3. *Proposals for waste management facilities will be supported based upon the following principles;*
 - a. *managing waste through the waste hierarchy in sequential order. Sites for the disposal of waste will only be permitted where it meets a need which cannot be met by treatment higher in the waste hierarchy;*
 - b. *promoting the opportunities for on-site management of waste where it arises and encouraging the co-location of waste developments that can use each other’s waste materials;*
 - c. *ensuring that sufficient capacity is located within Sandwell to accommodate the waste capacity requirements during the plan period and reducing the reliance on other authority areas;*
 - d. *enabling the development of recycling facilities across Sandwell, including civic amenity sites, and ensuring that there is enough capacity and access for the deposit of municipal waste for re-reuse, recycling, and disposal;*
 - e. *waste must be disposed of, or be recovered in, one of the nearest appropriate facilities, by means of the most appropriate methods and technologies, to ensure a high level of protection for the environment and public health;*
 - f. *ensuring new waste management facilities are located and designed to avoid unacceptable adverse impacts on the townscape and landscape, human health and well-being, nature conservation and heritage assets and amenity;*
 - g. *working collaboratively with neighbouring authorities with responsibilities for waste who import waste into, or export waste out of, Sandwell, to ensure a co-operative cross boundary approach to waste management is maintained.*

Firstly, regarding clause 1, the term ‘*relevant major development*’ has not been defined. WMRTAB suggest additional clarity could be provided within the SLP to make it clearer what ‘*relevant major development*’ consists of and so therefore what type of proposal would this part of the policy apply to. Point 1. Also states that there

is a need to demonstrate how ‘operation’ of the facility will ‘*minimise waste production*’, however, the construction phase seems to have been not considered within the policy whereas this is frequently a source of significant quantities of waste.

Part 2 of the policy expects that greenhouse gas emissions will be minimised ‘***in line with national and local targets for the transition to a net zero carbon economy***’, however there is no indication of what these targets are and so it is recommended that information be included to provide clarity and in turn allow proper implementation of the policy.

WMRTAB strongly supports part 3, clause ‘g’ of the policy, however the extent to which Sandwell will rely on other areas in future to meet its needs and how it is meeting the capacity requirements of other areas it is not clear with the Draft SLP (see comments above concerning the Duty to Cooperate) but WMRTAB recognises that this should be resolved via the ongoing Duty to Cooperate engagement activity.

Safeguarding

Paragraph 13.39 of the Draft SLP states that the ‘*The Sandwell Local Plan is a strategic plan and therefore it focuses on safeguarding strategic waste sites.*’ The approach of protecting existing/safeguarding waste facilities from other development which may impact on their operation is implemented by Policy SWA2 (Waste Sites). WMRTAB notes that this is an important consideration, especially in an area where it is difficult to find suitable land for waste management development. In addition, it is further noted, in paragraph 13.25, that: ‘*The Council will look to identify development sites for waste infrastructure, with priority placed upon the safeguarding of existing and allocated sites for continued use.*’

Policy SWA2 states that (with emphasis added):

1. *Sandwell will safeguard all existing strategic and **other waste management facilities** from inappropriate development, to maintain existing levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that:*

- a. *there is no longer a need for the facility; and*
- b. *capacity can be met elsewhere; or*
- c. *appropriate compensatory provision is made in appropriate locations elsewhere in the Black Country; or*
- d. ***the site is required to facilitate the strategic objectives of the Sandwell.***

2. *This policy will also apply to all new waste management sites that are implemented within the lifetime of the plan.*

New development near existing waste facilities

3. *Proposals for housing and other potentially sensitive uses will not be permitted near to or adjacent to an existing waste management site where there is potential for conflict between the uses,*

- a. *unless a temporary permission for a waste use has expired, or the waste management use has otherwise ceased, and the site or infrastructure is considered unsuitable for a subsequent waste use;*
 - b. *or redevelopment of the waste site or loss of waste infrastructure would form part of a strategy or scheme that has wider environmental, social and / or economic benefits that outweigh the retention of the site or infrastructure for the waste use and alternative provision is made for the displaced waste use;*
 - c. *or a suitable replacement site or infrastructure has otherwise been identified and permitted.*
4. *Waste Site Impact Assessments will be expected to demonstrate that at least one of the above criteria applies. Applications should also identify any 'legacy' issues arising from existing or former waste uses, and how these will be addressed through the design of the development and the construction process.*

WMRTAB generally supports the approach in the Draft SLP to safeguarding existing waste management capacity but has the following observations:

- Clause 1 of Policy SWA2 mentions 'other waste sites' but it is not clear what these are. Should this make it clear that this means all other waste sites which are allowed to operate by planning legislation?
- The identified 'strategic waste sites' and 'other waste sites' appear to have the same level of safeguarding protection and so it is unclear why a distinction has been made between strategic and other waste sites. If the intention is to safeguard all waste sites, regardless of whether they are considered strategic or not, then WMRTAB recommend that the policy states this clearly.
- Clause 1. d. appears to introduce a contradiction as the 'strategic objectives' include Draft SLP Strategic Objective 17 that states: *'To manage waste as a resource and minimise the amount produced and sent to landfill, including ensuring that the reliance on primary minerals during construction and development are kept to a minimum and that greater use is made of recycled or alternative building materials'*. In addition, paragraph 13.2 outlines *'the key objective for waste across Sandwell is to minimise its generation across all sectors and increase the re-use, recycling, and recovery rates of waste material.'*

Other matters

Policy SCC4 – Flood Risks, identifies waste (and mineral) facilities as the only types of development where all such proposals would require a flood risk assessment and surface water drainage strategy as outlined below:

'7. All new developments in the following locations should be accompanied by a flood risk assessment and surface water drainage strategy that sets out how the development will provide a betterment in flood risk terms i.e., help to reduce flood risk both on and off site:...

- *where the site is a minerals or waste development;'*

While proposals for certain types of waste facilities may need such assessment, WMRTAB suggest that the Draft SLP check whether this blanket approach is justified.

The Reg 18 Sandwell Local Plan – Reg 18 Consultation Spatial Strategy Paper (published November 2023), Corporate Plan Objectives includes the objectives as set out in paragraph 3.6 below.

‘Para 3.6 The objectives summarised below for the Core Strategy sought to deliver the Vision by 2026 and promoted: -

i. Sufficient waste recycling and waste management facilities in locations’

WMRTAB suggest that the text regarding the year 2026 above needs to be re-checked as the SLP period is until 2041.

WMRTAB hope these comments are of use. Please do not hesitate to contact me if you wish to discuss further. I’d be grateful if you would notify WMRTAB, via the email address provided above, of any future consultation relating to the Sandwell Local Plan.

Yours sincerely,

Ian Blake
Chair, West Midlands Resource Technical Advisory Body

Appendix 1

West Midlands Resources Technical Advisory Body Terms of Reference

Updated June 2021 (Final)

1.0 Introduction

- 1.1 The West Midlands Resource Technical Advisory Body (WMRTAB) is a group consisting of: Waste Planning Authorities (WPAs), primarily from the former West Midlands Region; representatives from the waste management industry; and other interested parties. Member organisations are listed in Appendix 1.
- 1.2 Under the Planning and Compulsory Purchase Act 2008, WPAs are required to prepare Local Plans which set out how and where waste can be managed in their areas over a 15 year period.
- 1.3 National Planning for Waste states that: *“In preparing Local Plans, waste planning authorities should:....work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;”*
- 1.4 Waste arising in one WPA area will frequently be managed in another. For example, in order to achieve economies of scale, waste management facilities will often have a catchment which extends beyond the boundary of the planning area within which it is situated. Planning to ensure that sufficient capacity is available to meet future requirements for the management of waste therefore constitutes a ‘strategic matter’ and falls under the ‘Duty to Cooperate’ (DtC). The DtC requires local planning authorities to engage ‘constructively, actively and on an ongoing basis’ when addressing strategic waste planning matters in their Waste Local Plans.
- 1.5 The need for cooperation between WPAs and other bodies on waste is reflected in National Planning Policy for Waste and the Waste Management Plan for England 2021 which states:
‘Strategic policy-making authorities should cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters, including policies contained in local waste plans. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. Further consideration is to be given as to the optimal way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges.’

2.0 Aims

2.1 The overarching aim of WMRTAB is to support co-operation between WPAs and others, by providing objective and authoritative technical advice concerning the sustainable management of material resources and strategic waste management data, issues, and development policies and proposals. In particular, WMRTAB will help WPAs meet their requirements under the DtC.

3.0 Specific areas of activity

3.1 In order to meet the above aims, WMRTAB will:

- Bring together a wide range of expertise in what is a very specialist area of planning through a wide membership including waste planning and management officers of the Waste Planning Authorities (WPAs) in the West Midlands, the Environment Agency, representatives of industry including the waste management industry, and representatives of environmental organisations;
- Identify strategic issues affecting the sustainable management of waste e.g. waste hierarchy, proximity principle and self-sufficiency;
- Undertake and/or commission technical work where there are identified benefits from work being undertaken at larger than local scale;
- Prepare guidance and best practice to be followed by Member WPAs;
- Formally respond, as a body, to the technical evidence base and policy documents of member authorities and other strategic and national consultations⁶. Responses will be based on any guidance/best practice notes prepared by WMRTAB;
- Notwithstanding the above, provide comments on member WPA compliance with the Duty to Cooperate when its waste planning policy is published for representations;
- Raise awareness of waste management as an integral part of the circular economy/climate change agenda and contribute to the waste/resource management planning agenda on a national level and within the WMRTAB geographic area;
- Raise awareness of the role of WMRTAB generally e.g. by attendance at relevant meetings and events and also through the preparation of articles for relevant publications.
- Where invited, provide WMRTAB representation on groups and at workshops where strategic waste planning matters are discussed e.g. Local Enterprise Partnerships, West Midlands Combined Authority, National Waste TAB Chairs;
- Take part in online discussion/information sharing groups to help build skills and knowledge with the WMRTAB membership;
- Provide and/or commission training and support for Member organisations related to waste planning;

⁶ This will not fetter the ability of Member authorities to make their own representations as appropriate.

3.2 Member WPAs engaging each other (and other WPAs) on strategic waste management matters may have regard to WMRTAB Duty to Cooperate Guidance.

3.3 To assist with the effective running of the group WMRTAB shall:

- Publish evidence documents, guidance, meeting minutes, agendas etc online for member authorities to access and use at public examination as required;
- Prepare and monitor an annual business plan that identifies specific activities to take place with a 12 month period under the above categories;
- Meet twice a year;
- Contribute to the preparation of meeting agendas to ensure discussion of relevant strategic matters (Minutes will be prepared by a designated minute-taker on a rotating basis);
- Review and update (as necessary) these Terms of Reference on an annual basis.

3.4 Member WPAs will make a financial contribution to the organisation and running of the group. This will include the costs of employing an independent Chair.

4.0 Member agreement

4.1 All organisations listed in Appendix 1 agree to membership of the group on the basis of the terms set out in this document.

Appendix 1 WMRTAB Member Organisations

N.B. This list is subject to change but was correct at 30 June 2021

Waste Planning Authorities:

- Birmingham City Council;
- Coventry City Council;
- Dudley Metropolitan Borough Council;
- Herefordshire Council;
- Sandwell Metropolitan Borough Council;
- Solihull Metropolitan Borough Council;
- Shropshire Council;
- Staffordshire County Council;
- Stoke on Trent City Council;
- Telford & Wrekin Council;
- Warwickshire County Council;
- Walsall Metropolitan Borough Council;
- Wolverhampton City Council; and,
- Worcestershire County Council

Waste Management Industry:

- Biffa and Veolia (nominated by the Environmental Services Association),
- MVV
- Robert Hopkins Ltd and NISP/ International Synergies

Other Interested Parties:

- Waste Disposal Authorities

- Adjoining Waste Planning Authorities
- Environment Agency
- Friends of the Earth on behalf of Sustainability West Midlands
- Representatives from other (R)TAB groups