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11 November 2024

Sandwell Regulation 19 Sandwell Local Plan
Planning and Regeneration
Sandwell Council
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By email: Sandwell_LocalPlan@sandwell.gov.uk

Dear Sir or Madam,

Consultation on the Sandwell Local Plan 2024-2041 Publication Version 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 Sandwell Local Plan 2024-2041 Publication Version¹ 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 Sandwell Local Plan 2024-2041 Publication Version. Any responses submitted by individual members to this plan takes precedence.

¹ <https://www.sandwell.gov.uk/downloads/file/3260/sandwell-local-plan-reg-19-publication-version-september-2024->

Duty to Cooperate

WMRTAB 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. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

Planning for Waste Management

WMRTAB is pleased to see that the important matter of waste management has been planned for in the Local Plan and considers that the Vision and Objectives broadly address issues associated with waste management which will arise during the SLP period. WMRTAB also supports the inclusion of a chapter dedicated to waste (and minerals) (Chapter 13). WMRTAB welcomes the fact the SLP addresses the management of all forms of waste (paragraph 13.6).

WMRTAB notes and broadly welcomes policy which:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);
- encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);
- encourages design of buildings to ensure ease of end of life disassembly and material reuse (policy SCC4);
- requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);
- requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3);
- sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1);
- expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);
- allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1);
- encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1);
- gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);
- protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide

further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

WMRTAB makes the following further comments which are intended to help ensure the effectiveness of the Plan:

- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;
- to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read:
'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain ~~existing~~ **maximum** levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that:.....'
It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;
- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany' waste management operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'. WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;
- WMRTAB notes and supports:
 - the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;
 - clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

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 consultations². 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;

² 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