

**WALSALL SITE ALLOCATION DOCUMENT EXAMINATION**

**MAIN MATTER 6 – WASTE**

**NOTE OF EVIDENCE GIVEN BY WALSALL COUNCIL**

**Thursday 7 September 2017**

**Officers Giving Evidence on Behalf of the Council**

<b>Name</b>	<b>Title</b>	<b>Reference</b>
Mike Smith	Planning Policy Manager	MS
Dawn Sherwood	Principal Planning Officer	DS

**Note: A summary of abbreviations/ acronyms used is provided in Table 1 at the end**

**Question 1**

Are the waste management requirements set out in the SAD (Policies W1 to W4) justified by appropriate available evidence, having regard to national guidance, and local context, including meeting the requirements of the BCCS?

**Council Response – Justification for Policies W1 – W10**

DS gave the following statements on behalf of the Council:

1. Plan **has been prepared having regard to national policy guidance on waste**, much of which post-dates the adoption of the Black Country Core Strategy (BCCS) in February 2011 (see National Planning Policy (NPP) for Waste and National Planning Practice Guidance (NPPG) on Waste). However, an assessment of the BCCS waste policies (see Core Document PC1: Policies WM1 – WM5) around the same time that the plan was formally adopted confirmed that they are **consistent with the legal requirements for local plan policy on waste** (see Appendix to this Note).<sup>1</sup>

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<sup>1</sup> See European Directive 2008/98/EC on Waste (Waste Framework Directive). Following the assessment the Directive was transposed into English legislation by The Waste (England and Wales) Regulations 2011 (as amended) - Statutory Instrument (SI) 2011 No. 988 as amended by SI 2012 No. 1889 and SI 2014 No. 656. General requirements and duties specific to local planning authorities are set out in Regulations 12 - 20. Guidance on meeting the requirements is set out in the NPPG for Waste paragraphs 004 – 009 and Annex 1.

2. The BCCS identifies **future requirements for waste management across the Black Country up to 2026**. This was based on an evaluation of the best information available at the time on current and future waste arisings in the Black Country and existing waste management capacity at the 'baseline date' of March 2009 (see Core Documents SEW.1 and SEW.3). The evidence gathered to inform the preparation of the BCCS was consistent with the expectations of current national policy guidance (see NPP for Waste paragraphs 2 and 3).
3. **SAD Policy W1 identifies the remaining waste management requirements for Walsall up to 2026**, taking into account new capacity developed and capacity lost since the BCCS 'baseline date.' Implementation of the requirements is being monitored by recording on an annual basis, new waste management planning permissions coming forward, implementation of new waste management capacity and losses in capacity through closure / redevelopment of sites where identified.<sup>2</sup>
4. Recent monitoring suggests that the projections of future waste generation in Walsall in the BCCS may have been too high for Local Authority Collected Waste and possibly also for C&I waste (see Core Documents SED.1: Part 3, Chapter 2 and SED.3, Table 66). However, it is accepted that this is not a matter for the SAD, as the purpose of the Plan is to meet the existing BCCS requirements. It will therefore be for the BCCS review to look afresh at future waste management needs in the light of the anticipated requirements for housing and employment growth to 2036.
5. In accordance with national policy guidance (NPP for Waste paragraph 8) and BCCS policy (Core Document PC1: Policy WM2, Waste Key Diagram and Appendix 6), the SAD also identifies **Strategic Waste Sites in Walsall to be safeguarded as far as possible** from encroachment or loss to non-waste management developments. These sites are identified in SAD Policy W2 and are shown on the SAD Policies Map. The list of sites has been updated to reflect new sites developed since the BCCS was adopted and to remove sites which have been lost.
6. SAD aims to **meet the BCCS waste management requirements for Walsall** (see Core Document PC1: Policy WM3, Tables 17 and 18) by identifying existing waste management planning permissions and industrial sites identified as being suitable for new waste management facilities (see Policies W3 and W4).

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<sup>2</sup> Walsall Council's planning application database cannot produce reports on waste management applications, so officers have to obtain this information by checking 'weekly lists.' Other sources of information used for monitoring purposes include the Environment Agency Public Register, operators' websites and online bulletins such as 'Let's Recycle' and 'The Business Desk.'

7. In accordance with national policy guidance (NPP for Waste paragraphs 4 – 6 and Appendix B), the suitability of the Potential Waste Sites was evaluated through the SAD Viability & Deliverability Study (see Core Document SED.1: Part 3, Sections 4 and 5 and Appendix 3 for evaluation of sites). Potential Waste Sites were also subject to SA/ SEA, which identified potential harmful effects on the environment and amenity (see Core Document SA1: Appendix J and SAD SA Matrices for SA of individual sites). The potential effects identified are reflected in the general policy requirements, which expand on the requirements in BCCS Policy WM5, and the constraints and assets identified for each site.
8. Pre-Submission Modifications to Policies W3 and W4 of the Submission Plan are also proposed to take account of the views of the relevant regulatory authorities, in particular, the Environment Agency who felt that there was an inconsistency of approach towards fire risk in the Publication Plan (see Core Documents SM1: Policies W3 and W4, CE13: UR2658 and CE7: Late Submission UR2658).
9. The Environment Agency also identified that some Strategic Waste Sites and Potential Waste Sites identified in the plan are within Flood Zones and that any new development would require easements to take account of this. While it is noted that flood risk is being discussed under Main Matter 8: Environmental Policies, the Agency's advice on flood alleviation has been incorporated into the Waste policies through Pre-Submission Modifications and Further Proposed Modifications (see Core Documents SM1: Policies W2 – W4, SM3: MMSAD9, MMSAD33, OMSSAD12, and SM2: FPMSAD6 and FPMSAD26).

### **Council Response – Justification for Policy W3: Specific Sites**

#### **Policy W3 - Site WP3: Former McKechnie's Site**

10. This site was the subject of objections from the **Environment Agency** and the land owner **St. Francis Group** at Publication stage (see Core Document CE12: UR2658 and UR2121). While the Council does not necessarily agree with the respondents that the site is unsuitable for a well-regulated, modern enclosed waste management facility (it performed well in the evaluation carried out – see Core Document SED.1: Part 3, Section 5.3), the lack of support from the land owner means that it is unlikely to be deliverable.
11. DS confirmed that as the deliverability of the site is in question, the Council has published and consulted on a Pre-Submission Modification to delete it from the list of Potential Waste Sites in SAD Policy W3 (see Core Documents SM1 Policy W3 and SM3: MMSAD34). She also confirmed that the Modification is supported by the Environment Agency (see Core Document CE7: Late Submission UR2658).

### Policy W3 – Site WP11: Cemetery Road

12. The Submission Plan indicates that this Potential Waste Site comprises two Potential High Quality Industry sites identified in Policy IND2:

- a. Site IN98.1 Former Junction Works, Cemetery Road and
- b. Site IN98.2: Former Railway Tavern, Cemetery Road.

At Publication stage the land owner of both sites, **St. Francis Group**, objected to the inclusion of Site IND98.2: Former Railway Tavern in the Potential Waste Site, on the ground that the site is severed from Site IND98.1 Former Junction Works by a road, therefore the two sites cannot be combined to support a comprehensive development (see Core Documents CE12: UR2121 and CE7: UR2121).

13. DS acknowledged that Sites IN98.1 and IN98.2 are severed from each other by road, and that the Local Highway Authority has confirmed they would not support redevelopment of the highway land. It was also noted that the Railway Tavern site is affected by an Environment Agency requirement for easement for flood alleviation, which potentially restricts the developable area. Even so, it would be feasible for a waste operator to use the Former Railway Tavern site as a ‘satellite’ or ancillary site to a main development on the Junction Works site, for example, as a car park which if designed appropriately, may be less vulnerable to flood risk (see also evaluation in Core Document SED.1, Part 3, Section 4.2 and Appendix 3). This approach would not be unprecedented in Walsall.

14. However, as there is no guarantee an operator would want to occupy both sites with the existing constraints, DS and MS confirmed that **the Council would be willing to consider omitting Site IN98.2: Former Railway Tavern from Site WP11: Cemetery Road** through a Further Proposed Modification to Policy WP3.

**Table 1: Summary of Abbreviations/ Acronyms Used in this Note**

<b>Abbreviation/ Acronym</b>	<b>Full Wording</b>	<b>Core Document (where relevant)</b>
BCCS	Black Country Core Strategy	PC1
NPP	National Planning Policy (for Waste)	-
NPPG	National Planning Practice Guidance	-
SAD	Walsall Site Allocation Document	SM1
SI	Statutory Instrument	-

## **EXAM5 Appendix**

**The EU Waste Framework Directive:**

**Letter from Black Country Authorities to Department for Communities and  
Local Government, 4 February 2011**



4 February 2011

F.A.O. Charlotte Palmer

Dear Sir/ Madam,

### **The EU Waste Framework Directive**

We are writing on behalf of the four Black Country Authorities (Dudley MBC, Sandwell MBC, Walsall Council and Wolverhampton City Council), in response to the letter of 10 January 2011 from the Chief Planner regarding the above.

The four authorities have jointly prepared a Core Strategy covering the whole of the Black Country. We are pleased to inform you that the Black Country Core Strategy is a “sound” plan, as is confirmed by the Inspectors’ Report published in October 2010. The Inspectors’ recommendations have now been incorporated into the Core Strategy, and it was adopted by the four authorities on Thursday 3 February 2011.

The Black Country Core Strategy identifies the following:

- Existing strategic waste management sites whose capacity will be protected, maintained and enhanced where feasible;
- Specific strategic waste infrastructure proposals which are expected to be delivered within the lifetime of the plan;
- Broad locations where other new waste infrastructure may be developed within the Black Country.

(Continued...)



The locational guidance contained within the Core Strategy is also compliant with the requirements of the Directive, and may be used to identify and assess options for site allocations brought forward through other DPDs. The evidence informing the Core Strategy confirms that the overall supply of employment land in the Black Country is sufficient to accommodate the demand for new waste management facilities identified in the policies.

The attached table summarises the main content of the “waste management plan” as required by the Directive, and explains how the Black Country Core Strategy complies with the requirements. However, we feel we should point out that not all elements of the “waste management plan” will be delivered through Development Plan Documents such as the Core Strategy.

Some elements of the “waste management plan” will be delivered through national policy (either through regulation or through the national waste strategy), and other elements at a local level may be delivered through municipal waste management strategies.

The adopted version of the Black Country Core Strategy is now available on the Core Strategy website, incorporating all the changes recommended by the Inspectors in their binding report. This can be downloaded from the Black Country Core Strategy website – here is the link as requested:

<http://blackcountrycorestrategy.dudley.gov.uk/>.

We consider that the Black Country Core Strategy is a Directive-compliant strategic plan. Any outstanding non-strategic issues (such as site allocations, where required) will be addressed through other DPDs.

A number of Land Allocations DPDs and Area Action Plans are already being progressed to the timetables set out in the authorities’ Local Development Schemes. Although not all of these will be in place by 2012, in our view, the essential requirements of the Directive have already been met through the Core Strategy.

I trust that we have provided the information requested regarding compliance with the Directive but if you have any queries or require any further information please contact the officer indicated below.


Yours faithfully,



Helen Martin  
Head of Planning  
Dudley MBC



Nick Bubalo  
Area Director – Regeneration and Economy  
Sandwell MBC



David Elsworthy  
Head of Planning and Building Control  
Walsall Council



Richard Walsall  
Head of Strategic Housing, Planning Policy and Sustainability  
Wolverhampton City Council

On behalf of the Black Country Authorities

For further information please contact:

Dawn Harris  
Principal Planning Officer  
Planning Policy Team  
Walsall Council  
Tel: 01922 652482  
Email: [harrisdawn@walsall.gov.uk](mailto:harrisdawn@walsall.gov.uk)



## Black Country Core Strategy – Compliance with Waste Framework Directive (WFD)

Waste Management Plan: WFD Required Content	Black Country Core Strategy	
	Included?	Comments on Compliance
<b>Analysis of waste management situation</b> in the area and the measures proposed to improve waste management (Article 28 (2))	✓	Provides overview of situation at a strategic level. Local perspective to be set out in other DPDs if required.
<b>Technical information</b> on waste arisings and management, cross-boundary movements of waste, existing waste management capacity and future requirements for recovery and disposal (Article 28 (3))	✓	Includes best available technical information on waste, and identifies key requirements. There are some gaps which may need to be addressed in other DPDs, of which the main one is construction and demolition waste.
<b>Locational guidance</b> for the development of new waste recovery and disposal infrastructure (Article 28 (3))	✓	Includes guidance and criteria for assessing potential waste sites for allocation in other DPDs.
<b>General waste management policies</b> including planned technologies/ methods of management, and policies for waste posing specific management problems (Article 28 (3))	✓	Includes a suite of five waste policies covering waste technologies currently available, and addressing specific problems identified. This may be refined and added to in other DPDs, where local requirements are identified.
<b>Packaging and Packaging Waste</b> - chapter on management and measures to encourage prevention and re-use (Article 28 (5))	✓ partly	Encourages waste prevention and re-use generally. Otherwise addressed at a national level through national waste strategy and through regulation.
<b>Landfill Diversion</b> – strategy for diversion of biodegradable municipal waste, waste liquids and other proscribed wastes away from landfill (Article 28 (5))	✓ partly	Two of the four Black Country Authorities are already managing more than 80% of their municipal waste through energy recovery or recycling. The municipal waste landfill diversion targets for the other two authorities are consistent with the authorities' LATS targets. Diversion of other proscribed wastes away from landfill is addressed at a national level through regulation.
Must also reflect the following objectives: <ul style="list-style-type: none"> <li>• Management of waste in accordance with the <b>waste hierarchy</b>;</li> <li>• Application of waste hierarchy in ways that will deliver <b>best overall environmental outcome</b>;</li> <li>• Management of waste <b>without endangering human health or causing harm to the environment</b>;</li> <li>• Management of waste in accordance with the principles of <b>self-sufficiency</b> and <b>proximity</b>.</li> </ul> (Articles 1, 4, 13, 16)	✓	Spatial strategy, strategic objectives for waste and the environment, and the waste and environment policies reflect all of these objectives.

