

Waste Panel Members:- Sherma Batson, Tony Dodd (Sub), Maria Green, Stan Mills, Stuart Pile, Seamus Quilty (Chairman).

The Waste Local Plan Review- Background and the Review Process

Author:- Julie Reeve (01992 556227), County Development Unit

1. Purpose of Report

- 1.1 To advise members of the waste planning panel of the process that needs to be followed when reviewing the Waste Local Plan for Hertfordshire, the communication strategy to be used and the suggested timetable to be followed.

2. Background

- 2.1 The development plan system is currently guided by Planning Policy 12 (Development Plans) which sets out the procedure that should be followed when reviewing any part of a development plan. The Development Plan for Hertfordshire consists of the Structure Plan, the Minerals and Waste and District Local Plans.
- 2.2 The Hertfordshire Waste Local Plan was adopted in January 1999 and covers the period 1995-2005. It sets out detailed policies in respect of development which involves the depositing of refuse or waste materials other than mineral waste.
- 2.3 In order for local plans to remain up-to-date and relevant to the locality for which they were written it is essential that they are reviewed regularly and changes monitored to inform the frequency of review. It is expected that plans should be reviewed in full at least once every 5 years.
- 2.4 In following this procedure the County Council is able to demonstrate that they are committed to a review process involving all interested parties to a set timetable.
- 2.5 The process of local plan reviews is designed to encourage public participation so that the people that may be affected by the proposals within the plan are involved in its production.
- 2.6 The review of the Waste Local Plan co-insides with Government's intentions to modernise planning and proposals put forward in the Planning and Compulsory Purchase Bill.

- 2.7 The Bill includes provisions to replace Waste Local Plans with Waste Development Documents; however the proposed Planning Bill has now been postponed. In the meantime, the Government has advised that it is vitally important that development plan preparation should continue between now and the commencement of the legislation which it plans to introduce and has announced transitional arrangements. It is with this in mind that the Waste Local Plan review will seek to follow the newly proposed system.
- 2.8 The Waste Local Plan for Hertfordshire contains policies concerned with the development required for waste minimisation, re-use, recycling, composting, processing and transfer, recovery of energy from waste, and disposal on land.
- 2.9 In the context of the Plan, waste includes; household or domestic waste, industrial and commercial waste, demolition and construction waste, agricultural and forestry wastes, clinical, difficult and special wastes, waste water (sewage) and scrap vehicles or other scrap metals.
- 2.10 The anticipated stages of the review process are set below with details of the proposed communication strategy to be implemented for publicity and consultation. This process involves two stages of public consultation (against the three stages under the current system) and in order to get a good response, publicity needs to be considered at every stage. It is anticipated that all mediums available to us will be utilised when publicising and consulting on the plan review.

3. The Review Process

Stage 1- The Pre-deposit consultation

- 3.1 PPG 12 states that (para 2.10) *'Local people and other interested bodies should have the opportunity to express their views on plan proposals before those proposals are finalised.'*
- 3.2 PPG12 also states that pre-deposit consultation should be based on a key issues approach which identifies the main matters and choices which need to be resolved by the Plan, and which focuses on those local communities, businesses, organisations and individuals relevant to the proposals being put forward.
- 3.3 It is envisaged that a short key issues paper be produced setting out those issues which are considered to be important, relevant or need updating within the current plan. Some of the possible issues to be covered in the paper are dealt with at the end of this report.
- 3.4 This key issues paper would be distributed to a wide variety of people and organisations (including trade organisations, interest groups, such as Friends

of the Earth, CPRE, and other known action groups) in order to gain an insight into public opinion. This consultation will then inform the first draft of the new waste local plan/waste development document (WDD).

- 3.5 Tailored correspondence will be sent to the parish councils to alert them of the key issues paper and relevance to their area.

4. Stage 2- The Deposit Plan

- 4.1 The representations made at the key issues stage will be taken into account and the deposit version of the plan written with the received views in mind. The first full draft version of the new waste local plan/WDD will be placed on deposit in order for formal representations to be made within a set time limit. A formal notice of deposit will be placed in at least one local paper for two consecutive weeks and for one week in the London Gazette. It is intended that notices will be placed in most if not all local papers to give County coverage and be accompanied by press releases.
- 4.2 This deposit stage allows individuals and organisations the opportunity to consider the plans proposals in full and object, support them or comment on them as they see fit. This is the stage where 'formal representations' will need to be made on specially printed forms and returned to the County Council.
- 4.3 The time limit for making these formal representations will be a minimum of six weeks from the date of deposit. Any representations made after the time limit can only be taken into account at the County Council's discretion. Again this is to ensure that the proposed timetable (which must be published) is sustained.
- 4.4 The County Council must consider all formal representations made and publish its response as to whether it accepts or rejects the suggestions that have been made. Where changes to the plan are proposed as a result of an objection, the objector will then be asked to formally withdraw the objection at the next stage of the plan process. If no changes are proposed as a result of an objection being made we must state the reason why and it will then be considered further at the inquiry stage.

5. Stage 3 – The Pre-Inquiry Document

- 5.1 It is at this stage that the new process differs from the old. Instead of putting a revised plan on deposit for a second round of public consultation, the proposed changes and any objections out standing will be considered at a public inquiry.
- 5.2 The County Council has to publish the proposed changes in a Pre-Inquiry Document which will be placed on public view for a period of six weeks before

the pre-inquiry meeting is to take place. Objectors to the Plan will then need to prepare their proofs for the inquiry six weeks before they are due to appear.

6. Stage 4- The Public Local Inquiry

- 6.1 Any outstanding objections to the deposit plan will be heard at the local plan inquiry by the appointed planning inspector.
- 6.2 A public local inquiry is a means by which the proposed changes made to the plan and any objections outstanding are tested. It is a formal procedure that involves both objectors and the authority giving reasons for their proposals. Rather like a court case, each side will be heard and a planning inspector will decide on the outcome.
- 6.3 The planning inspector will have been appointed beforehand and is an impartial judge. The authority must hold an inquiry unless none of the objectors wants to take part. If this should happen, then formal arrangements will be made for the inspector to consider any written representations made by the objectors.
- 6.4 There is no specified time limit on how long an inquiry will take as it will be dependant on the number of objections received and how many people wish to appear at the inquiry.
- 6.5 The public local inquiry will take place at an agreed location in the county, notification of the inquiry will be given and the public invited to attend. The County Council has to give six weeks notice of the inquiry (before the pre-inquiry meeting) and publish a formal notice in at least one local paper for two successive weeks.

7. Stage 5 – The Inspector’s Report

- 7.1 After the inquiry the inspector will prepare a report setting out the conclusions reached and the recommendations made, together with the reasons for each. The decisions made by the planning inspector are published in a report, which will then be made available for inspection. This is so those people who made representations can see the outcome of their objection made.
- 7.2 In writing the report, the inspector will have taken into account all of the written objections and representations received and the objections made orally at the inquiry.
- 7.3 Unlike the current review process, the inspectors report will be binding under the new system. This means that any changes suggested as a result of the inquiry will have to be made to the plan before it is adopted.
- 7.4 The inspector’s report needs to be made available within six weeks of its receipt.

8. Stage 6- The Adoption of the Plan

- 8.1 The Inspectors recommendations are incorporated into the final version of the plan. The County Council formally announces its intention to adopt after, which there is a six-week period when the Plan can be challenged. At the end of this period the Plan is adopted.
- 8.2 This new document will now be used as the guidance for the determination of waste planning applications. Once a plan has been adopted by the authority it will replace the waste local plans that have been used before it. It is the new and up to date waste local plan, which now forms part of the development plan.

9. Who to Consult and How

- 9.1 With the introduction of the Planning Bill, all current planning policy guidance notes will also be reviewed. It is anticipated that the principles within the current guidance will remain but the format will change. With this in mind the Waste Local Plan review will continue with regard to the current PPG12.
- 9.2 At present it is for the local authority to determine what form of consultation is required. Annex C of PPG12 provides a list of possible consultees for local plans and states that:

'There are no longer any statutory consultees set out in the Regulations. However, local authorities are advised to consult those bodies outlined below when consultation is being undertaken on key issues prior to the initial deposit of the plan. Copies of the plan proposals must also be sent to these bodies when the plan is deposited.

The Secretary of State (ODPM)

Any local authority for the area covered

Any local planning authority for an area adjacent to the area covered by the proposals

The Environment Agency

The Countryside Agency and English Nature

English Heritage'

- 9.3 In addition to those outlined above it will be necessary to consult a broad range of organisations and the general public. The County Council will decide whom they wish to consult and this must then be justified when following the code of practice. The list of the consultees in Annex C of PPG12 is attached at Appendix A.
- 9.4 Once the list of consultees is drawn up they will each be sent a key issues paper together with the response form. Unless they indicate otherwise they will not necessarily be consulted at each of the subsequent stages.
- 9.5 The public consultation exercise will involve publicising the key issues papers as widely as possible and making them available at appropriate locations

across the county. It would be impossible to consult each individual resident and so it is vital to raise awareness and promote public participation.

- 9.6 A datafile has been set up of those companies and residents that have already expressed an interest in the waste local plan review and they will be sent copies of the key issues papers when they are published.
- 9.7 A separate datafile will then be set up to deal with the responses received at each stage of the review process.

10. The Sustainability Appraisal/ Strategic Environmental Assessment

- 10.1 In parallel to the review process detailed above, a Sustainability Appraisal and Strategic Environmental Assessment will also be carried out. The County Council's own guidelines on Sustainability Appraisals and the ODPM's draft guidance on Strategic Environmental Assessment will be used to do this.
- 10.2 The first stage of this process is a formal scoping exercise of the adopted Plan. This involves comparing the adopted Plan to list of relevant plans and documents in order to establish what needs to be changed within the Waste Local Plan. The list of documents includes; local plans, community strategies, Planning Policy Guidance Notes, Biodiversity Action Plans and European Directives.
- 10.3 Consultants have been employed to carry out the scoping exercise, facilitate stakeholder meetings and produce the scoping report. The scoping report is due to be completed in January 2004 and its results will be used to inform the key issues paper.

11. Timetable for The Waste Local Plan Review

- 11.1 As a requirement within PPG12, the County Council has to produce and publish a timetable outlining the stages of the waste local plan review. Once this timetable is published any deviation from it has to be justified. This timetable is produced so that the County Council's commitment to the review process can be publicly seen.
- 11.2 PPG12 states that (para 2.5): *'the Government does consider that local authorities should set out a timetable for key stages in the plan preparation, alteration or replacement process, and be publicly accountable for any variation from it. That timetable should be adopted by the local authority through a formal resolution of the Council.'*
- 11.3 The proposed timetable for the Hertfordshire Waste Local Plan Review is given below.

Timetable for Waste Local Plan Review		
2004	Feb	Pre-Deposit Consultation (“Key Issues”) – 6-8 weeks
2004	Mar-May	Consideration of responses to Key Issues Papers and preparation of Deposit Draft Plan
2004	Jun-Jul	Public consultation on Deposit Draft Plan
2004	Aug-Sep	Consideration of responses to Deposit Draft Plan
2004	Oct	Prepare Pre-Inquiry Document
2004 - 2005	Dec-Feb	Local Plan Inquiry
2005	Spring	Inspectors Report
2005	Late Spring	Modifications
2005	Mid	Adoption

11.4 Additional information for each of the stages included above is attached at Appendix B.

12. Some Issues for the Pre Deposit Paper

12.1 It is intended that two stakeholder meetings will take place in October 2004 in order for residents, interest groups and representatives from industry to help inform which key issues the review will need to address.

12.2 Listed below are a number of issues that will need to be addressed when reviewing the Plan. Many of these issues have become important over the past few years due to changes in technology and new Government targets that need to be met.

- New technologies such as gassification, pyrolysis and mechanical/biological treatment.
- Criteria for new technology sites.
- Promotion of self-sufficiency
- Promotion of markets to sell recyclate
- Promote recycling of aggregates
- Consideration of other waste streams and things like tyres and fridge’s etc.
- Consider the concept of waste parks/co-location of facilities
- Possible sites for future waste facilities
- Green Belt and other constraints

12.3 The list above is not exhaustive, it is merely an example of the issues that will need to be considered as part of the review.

12. Recommendation

- 12.1 To acknowledge the contents of this report and plan for future panel meeting and agenda items.

STRATEGIC CONSULTEES LIST PPG12

Ministry of Agriculture, Fisheries and Food	Matters relating to agricultural land proposed for development, agriculture as an industry contributing to the rural economy, or where recreation, access and conservation may affect agricultural land.
Ministry of Defence	Matters likely to have a bearing on their land holdings or where large scale disposals of MOD land may be being considered.
Department for Education and Employment (through Government Offices)	Matters relating to the provision of education, employment, and training. Also matters likely to affect the disabled and equal opportunities.
HM Prison Service	Development in the vicinity of penal establishments.
Home Office	Civil Defence matters.
Office of Government Commerce (Property Advisers to the Civil Estate)	Matters likely to have an impact on the Civil Estate.
Department of Trade and Industry (through Government Offices)	Matters of major importance affecting industry, whether private or public sector, and especially on matters affecting the distribution of industry, the working of industrial minerals, affecting particular energy resources or installations (including the exploitation of coal resources).
Department of Health (through relevant Regional Office of the NHS Executive)	All proposals having significant health infrastructure provisions.

5. In addition, local authorities should consider the need to consult the following agencies and organisations in respect of the issues outlined below:

British Airports Authority (BAA) and other airport operators	Policies and proposals in relation to aviation matters, those in the vicinity of airports, or which would affect airport infrastructure or operations.
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British Waterways, canal owners and navigation authorities	On all issues relating to inland waterways and land adjacent to inland waterways.
Coal Authority	Matters affecting coalfield areas.
Chambers of Commerce, Local CBI and local branches of Institute of Directors	Economic development, business, and employment land issues.
Church Commissioners	Proposals which affect any of the Church Commissioners' estates
Civil Aviation Authority airports.	Policies for areas in the vicinity of
Commission for Architecture and the Built Environment	Architecture and design issues.
Commission for New major Towns and English Partnerships	Areas where the Commission retains assets or undeveloped land holdings, including those acquired from Urban Development Corporations.
Commission for Racial Equality	Proposals likely to have significance for ethnic minorities.
Crown Estate Office	Proposals which affect any of the Crown Estates.
Diocesan Board of Finance	The Diocesan Board of the Church of England should be consulted on all development plans.
Environmental groups at national, regional and local level, including CPRE, RSPB, wildlife trusts and Friends of the Earth	On environmental issues in the plan and their relationship to other policies and proposals.
Electricity, Gas, and Telecommunications Undertakers, and the National Grid Company	Any proposals likely to have significant infrastructure implications (see paragraph 6.18 - 6.21 of this PPG).
Equal Opportunities Commission	All proposals likely to have equal opportunities implications.
Fire and Rescue Service	On public safety issues.

Forestry Commission	Wherever forestry is a feature of a strategic planning area, either as an industry, an environmental feature, or as a recreation resource. In appropriate areas, local authorities should also consult Community Forest teams and the National Forest Company.
Highways Agency	Road and transport policies and proposals
Health and Safety Executive (HSE)	All significant matters relating to health and safety, including development at or near to hazardous installations: <ul style="list-style-type: none"> • notified to HSE under the <i>Notification of Installations Handling Hazardous Substances Regulations 1992</i> or, • granted hazardous substances consent under the <i>Planning (Hazardous Substances) Act 1990</i>; or, • to which Regulations 6-12 of the <i>Industrial Major Accident Hazard Regulations 1984</i> apply; or, • to which Regulations 19-27 of the <i>Pipeline Safety Regulations 1996</i> apply; or, • to which condition 8 of the standard conditions of the <i>Public Gas Transporters' Licences</i> (laid under the Gas Acts 1986 and 1995) apply; or, <p style="margin-left: 2em;"><i>Regulations (1985)</i>; or,</p> <ul style="list-style-type: none"> • any licensed nuclear site; or, • any licensed explosives factory, magazine, or harbour areas.
The House Builders Federation	Issues relating to housing provision in development plans.
Housing Corporation (through Government low Office)	Matters relating to the measurement of, need for, or supply of, affordable social cost housing.
Local Agenda 21/Civic Societies, Community	Should be consulted on all development plans.

Groups, and Parish Councils

Local Transport

Operators, PTAs, PTEs, and London Transport (planning)

All proposals relating to transport generally and measures which are likely to involve increased use of bus and other public transport services. Local authorities should also consider the need to consult bodies protecting the interest of rail public transport passengers (eg the Transport Users Consultative Committees and the London Regional Passenger Committee).

National Disability Council Secretariat

All proposals likely to have particular significance for the disabled.

National Playing Fields Association

Issues relating to open space and recreation

Police Architectural Liaison Officers/Crime Prevention Design Advisors

On crime prevention measures.

Post Office Property Holdings

Proposals affecting Post Office and other related services, or land holdings. For example, new settlements or major residential developments, town centre developments, community services, pedestrian schemes, or any other proposals likely to significantly affect the volume of mail for collection or delivery within an area, or the efficiency of the transfer of mail by road.

Rail Companies and the Rail Freight Group

Major development proposals likely to lead to an increase in demand for rail services. Transport policies in plans where they involve rail services, both passenger and freight.

Railtrack PLC

All proposals relating to transport generally, and in particular, those which have any bearing on the operation of railways. Major development proposals which would lead to a large increase in demand for rail services.

Regional Development

Should be consulted on all development

Agencies	plan issues.
Regional Sport Forums for the English Regions	Matters relating to sport and recreation generally.
Sport England	Matters relating to sport and physical recreation generally.
Strategic Rail Authority	Matters relating to the development of the rail network
Training and Enterprise Councils (TECs)	Economic development, business and employment issues.
Water Companies	All matters concerning water and sewerage services and the provision of such services to new developments (see paragraphs 6.18 – 6.21 of this PPG).
Women’s National Commission	All proposals likely to have particular significance for women.

APPENDIX B

What Stage?	Code of Practice	Publicity	Where to go for copies
The pre-deposit consultation-the Key Issues stage	Prepare a statement listing those who have been consulted, the steps taken to publicise the plan proposals and the steps taken to provide people with an opportunity to make representations	Member's newsletter, Hertsnews, Hertsdirect (newspaper), Hertsdirect (web site), general press release, parish newsletters, Code of practice statement	District/borough council offices, County Hall, libraries, the web, Code practice statement made available for inspection
The deposit plan	Place a notice of deposit in at least one local newspaper for two consecutive weeks and for one week in the London Gazette	Member's newsletter, Hertsnews, Hertsdirect (newspaper), Hertsdirect (web site), general press release, parish newsletters, notice of deposit in the London Gazette(in practice most if not all local newspapers)	District/borough council offices, County Hall, libraries, the web
The Pre Inquiry Document	No code of practice as yet but can assume as above	As above	As above

The public local inquiry	The local authority must advertise the name and address of the programme officer responsible for the inquiry, give at least six weeks notice of the inquiry and publish a notice for two successive weeks in at least one local newspaper	Member's newsletter, Hertsnews, Hertsdirect (newspaper), Hertsdirect (web site), general press release, parish newsletters, notice of public inquiry	An agreed location within the county
Adoption	Publish notice of intention to adopt in at least one local newspaper two consecutive weeks and for one week in the London Gazette	Member's newsletter, Hertsnews, Hertsdirect (newspaper), Hertsdirect (web site), general press release, parish newsletters, publish notice of adoption	Copies of the new plan v be available at district/borough council offices, County Hall and libraries.