
Sandwell Local Plan 2024-2041 - Examination

Inspector

Mrs C Jack BSc (Hons), MA, MA(TP), PGDip (CHE), MRTPI

Programme Officer

Ms Louise St John Howe louise@poservices.co.uk

07789 486419

MATTERS, ISSUES AND QUESTIONS for Hearing Week 3

<h2>Matter 11: Waste & Minerals</h2>

MATTER 11: Waste and Minerals, Constraints, and Industrial Legacy (Policies SWA1–SWA5, SMI1-SMI2, and SCO1-SCO3)

MIQS – Issue 11 – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for waste and minerals, development constraints and industrial legacy.

Q11.1 Overall, are policies SWA1 to SWA5 positively prepared, justified, effective and consistent with national policy? Including:

- a) Is criterion 1 of policy SWA2 clear and effective? For soundness, should it seek to maintain the maximum throughput of existing facilities?
- b) Has the historic environment been adequately considered and addressed in policies SWA1 to SWA5 and their requirements?

Q11.2 Overall, are policies SMI1 and SMI2 positively prepared, justified, effective and consistent with national policy?

Q11.3 Overall, are policies SCO1, SCO2 and SCO3 positively prepared, justified, effective and consistent with national policy?

Q11.4 In terms of this issue, are any main modifications necessary for soundness?

Qn. No.	Response
Q11.1.	Yes, it is considered that the policies SWA1 to SWA5 are positively prepared, justified, effective and consistent with national policy (NPPF) and National Planning Policy for Waste (NPPfW).
Q11.1.a	In line with the WMRTAB Reg 19 representation 1572 to Policy SWA2 – Point 1. A Main Mod is proposed to change the wording to <i>‘Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate incompatible development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that....’</i>
Q11.1.b	Yes, it is considered that the historic environment has been adequately considered in the formulation of the Policies SWA1 to SWA5. Under SWA1.f heritage assets are included as requiring consideration. SWA4.2.c would require regard to be had to local plan policy on heritage impacts. Under SWA2 - The Strategic Waste Sites identified in the Plan are all established waste sites, which have planning permission for their current use. As these sites are established uses and have planning permission it was concluded that they would not require a heritage assessment, as part of the site assessment process. For Policies SWA3 and SWA4 The Black Country Waste Study undertook an Identification and Assessment of Waste Options. Which sought to identify deliverable waste sites that are available, suitable and feasible now or in the future. A Geographical Information System (GIS) based approach is used to ‘filter out’ unsuitable areas through the application of defined constraints. As well as this

Qn. No.	Response
	<p>top-down assessment of constraints, a bottom-up approach also identifies site opportunities. The methodology and the mapping of constraints comprise three distinct stages:</p> <p>Stage 1 – The identification and mapping of preferred locations for waste uses. These are referred to as Positive Locational Objectives.</p> <p>Stage 2 – The identification and mapping of constraints that rule out development as a matter of policy. These are referred to as Spatial Exclusionary Objectives; and</p> <p>Stage 3 – The identification and mapping of constraints that may rule out development as a matter of policy. These are referred to as Spatial Discretionary Objective.</p> <p>Stage 1 – Positive Locational Objectives – Potential Areas</p> <p>Site requirements will vary according to the nature and capacity of the type of facility being sought. Reference cases have been sought from planning permissions granted over the past 5 years.</p> <p>For the purposes of this study a minimum site requirement is 1 hectare. This is considered to be adequate to accommodate a modern HWRC with adequate circulation and space for on-site queuing to avoid conflicts with other highway users within the urban area.</p> <p>Stage 2 - Screening against Spatial Exclusionary Objectives</p> <p>Against guidance in the NPPF and the environmental designations including heritage designations protected by local policy Spatial Exclusionary Objectives are areas unacceptable in principle for development and hence were discounted from the area of search. Screen criteria for Spatial Exclusionary Objectives included</p> <ul style="list-style-type: none"> • Internationally & Nationally Important Sites for Cultural heritage • Scheduled Ancient Monuments (SAMs) • Grade I* or II* Listed Buildings/Registered parks and Gardens <p>Stage 3 - Screening against Spatial Discretionary Objectives</p> <p>The data was obtained and from Historic England</p> <p>Areas of Discretionary Objectives are identified where development is not unacceptable in principle, but which should be avoided to respect the reasons for which it was designated unless sites unconstrained by these objectives are not identified.</p> <ul style="list-style-type: none"> • Sites of importance for cultural heritage • Grade II Listed Building / Registered Parks and Gardens, • Conservation Areas, • Archaeological Priority Areas, • Locally Listed Buildings, • Historic Environment Record (HER) sites

Qn. No.	Response
	<p>The data for the above was obtained from Historic England and Sandwell MBC</p> <p>The outcome of this stage of the methodology is a refined study area within which the provision of new waste capacity would be preferred and waste options identified for assessment.</p>
Qn. No.	Response
Q11.2	<p>Yes, it is considered that Policy SMI1 is consistent with NPPF (December 2023) paragraph 216</p> <ul style="list-style-type: none"> d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place; e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material; <p>Yes, it is considered that Policy SMI1 is consistent with NPPF (December 2023) paragraph 216</p> <ul style="list-style-type: none"> h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

Qn. No.	Response
Q11.3	<p>Yes, policies SC01, SC02 and SC03 are positively prepared, justified, effective and consistent with national policy.</p> <p>The policies seek to support sustainable development coming forward in a manner that is safe, mitigates the impact of pollution to an acceptable level, and contributes to the ongoing remediation of derelict, despoiled, degraded and contaminated land in the borough. The policies respond to the complex and widespread impacts resulting from a legacy of heavy industry and mining in the Black Country, as well as supporting the ongoing operation of hazardous and industrial uses in appropriate locations.</p> <p>The policies are consistent with the NPPF, which at paragraph 191 explains that planning policies should ensure development is appropriate to its location taking account of the likely effects of pollution. Paragraph 192 seeks to ensure that planning policies contribute towards compliance with relevant national objectives.</p> <p>The application of policy SC02 in conjunction with SHW3 will assist with the realisation of actions to improve air quality within the borough-wide Air Quality Management Area. The effectiveness of the policies assumes that pollution control regimes that are separate to the planning system will operate effectively, as advocated by paragraph 194 of the NPPF. Furthermore, the policies reiterate</p>

	the need for development proposals to be assessed using policy mechanisms set out in the NPPF such as the 'agent of change' principle.
--	--

Qn. No.	Response
Q11.4.	<p>In line with the WMRTAB Reg 19 representation 1572 to Policy SWA2 – Point 1. A Main Mod is proposed to change the wording to:</p> <p><i>'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate incompatible development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that....'</i></p>