



# STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB

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[www.stroud.gov.uk](http://www.stroud.gov.uk)

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27 May 2020

## ENVIRONMENT COMMITTEE

A remote meeting of the Environment Committee will be held on **THURSDAY 4 JUNE 2020** at **7.00pm.**

Kathy O'Leary  
Chief Executive

### **Venue**

*This meeting will be conducted using Zoom and a separate invitation with the link to access the meeting will be sent to Members, relevant officers and members of the public who have submitted a question.*

*Members of the public are invited to access the meeting streamed live via Stroud District Council's [YouTube channel](#).*

*A recording of the meeting will be published onto the Council's website ([www.stroud.gov.uk](http://www.stroud.gov.uk)). The whole of the meeting will be recorded except where there are confidential or exempt items, which may need to be considered in the absence of press and public.*

## **AGENDA**

### **1 APOLOGIES**

To receive apologies for absence.

### **2 DECLARATIONS OF INTEREST**

To receive declarations of interest.

### **3 MINUTES**

To approve the minutes of the meeting held on 6 February 2020.

### **4 PUBLIC QUESTION TIME**

The Chair of Committee will answer questions from members of the public submitted in accordance with the Council's procedures.

**DEADLINE FOR RECEIPT OF QUESTIONS**

**Noon on MONDAY 1 JUNE 2020**

Questions must be submitted in writing to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud and can be sent by Email to: [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk).

**5 HORSLEY NEIGHBOURHOOD DEVELOPMENT PLAN: PROGRESS TO REFERENDUM**

To inform councillors of progress regarding the Horsley Neighbourhood Development Plan (HNDP).

**6 CAM NEIGHBOURHOOD DEVELOPMENT PLAN: PROGRESS TO REFERENDUM**

To inform councillors of progress regarding the Cam Neighbourhood Development Plan (CNDP).

**7 PAPER RECYCLING CONTRACT EXTENSION**

To set out the rationale for the decision to operate the extension in the contract.

**The appendix for this item contains exempt information by Virtue of Paragraph 3 of Part 1 of Schedule 12a of the Local government act 1972 and a resolution may be passed to exclude the public during consideration of this item.**

**8 PERFORMANCE MONITORING**

Appointment of two Performance Monitoring Representatives.

**9 WORK PROGRAMME**

To consider the work programme.

**10 MEMBERS' QUESTIONS**

See Agenda Item 4 for deadline for submission.

**Members of Environment Committee**

**Councillor Simon Pickering (Chair)**  
**Councillor George James (Vice-Chair)**

Councillor Chris Brine  
Councillor Paul Denney  
Councillor Trevor Hall  
Councillor Nick Hurst

Councillor Haydn Jones  
Councillor Norman Kay  
Councillor Skeena Rathor  
Councillor Haydn Sutton  
Councillor Jessica Tomblin  
Councillor Tim Williams



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## ENVIRONMENT COMMITTEE

6 February 2020

7.00 pm – 7.24 pm

Council Chamber, Ebley Mill, Stroud

# 3

### Minutes

#### Membership

Councillor Simon Pickering (Chair)	P	Councillor Nick Hurst	P
Councillor George James (Vice-Chair)	P	Councillor Haydn Jones	A
Councillor Chris Brine	A	Councillor Skeena Rathor	A
Councillor Paul Denney	P	Councillor Haydn Sutton	A
Councillor Jim Dewey	P	Councillor Jessica Tomblin	P
Councillor Trevor Hall	A	Councillor Tim Williams	P

P = Present                      A = Absent

#### Officers in Attendance

Strategic Director of Place	Head of Community Services
Community Services Manager	Democratic Services & Elections Officer

#### EC.047

#### APOLOGIES

Apologies for absence were received from Councillors Brine, Hall, Jones and Sutton.

#### EC.048

#### DECLARATIONS OF INTEREST

There were none.

#### EC.049

#### MINUTES

#### **RESOLVED**

**That the Minutes of the meeting held on 5 December 2019 are accepted as a correct record.**

#### EC.050

#### PUBLIC QUESTION TIME

There were none.

Councillor Pickering, the Chair, congratulated the Environmental Health Officers for their diligent work which resulted in a local construction firm being fined over £7,000 for illegal bonfires.

The Chair also advised that an information sheet regarding ash dieback had been circulated prior to the Committee Meeting. He stated that he had asked the Senior Arboriculture Officer whether there was a risk of ash trees dying on our land, and had been advised that the trees in public areas were surveyed frequently to ensure that there was no risk of ash dieback.

The Chair also read out a letter of thanks from a Member of the Public who congratulated the Council on its waste and recycling service.

### **EC.051**

### **UBICO DRAFT BUSINESS PLAN 2020/21**

The Head of Community Services advised that the Committee had been given a chance to feedback on the Ubico draft business plan at the previous Committee meeting in December 2019 and that they were now being asked to approve the business plan.

Councillor Williams asked whether there were any specific reasons for the high sickness rates reported in some operational services. The Head of Community Services advised that the levels of sickness were due to various reasons and that in that type of industry you would expect a higher number of slips, trips and falls. He also stated that Ubico do review this regularly and feed back to the Health and Safety Board and to the directors.

Councillor Hurst questioned whether there had been any changes to the recycling and waste service since the incinerator at Javelin Park had been in use. The Chair advised that in environmental terms and the cost to the public it was better to recycle. Councillor Hurst asked for clarification as to whether we were required by law to give our waste to the County Council to dispose of. The Chair confirmed that the disposal authority (Gloucestershire County Council) had the power to direct where the collection authority (Stroud District Council) disposed of its waste.

### **RESOLVED**

**To approve the draft Ubico business plan 2020/21.**

### **EC.052**

### **MEMBER REPORTS**

- a) Planning Review Panel – There were no Members present at the Planning Review Panel who were available to provide an update. Councillor Hurst who had received a copy of the agenda advised that the meeting discussed the new Strategic Assessment of Land Availability (SALA) sites that had come forward.
- b) Stroud Regeneration Committee – The Chair advised that the Stroud Concordat had reformed and was now the Stroud Regeneration Committee, there had not been any meetings of the Stroud Concordat since the last Committee Meeting and the first meeting of the Stroud Regeneration Committee was due to be held on the 13 February 2020.
- c) Performance Monitoring – There was no update provided on Performance Monitoring, the next Quarterly Report was due to be taken to the Environment Committee on the 2 April 2020.

**EC.053**

**WORK PROGRAMME**

Councillor Tomblin advised that the Roman remains found on the housing site in Cam were going to be preserved and that further discussions would be needed between Bovis Homes, Stroud District Council and Gloucestershire County Council.

**EC.054**

**MEMBERS' QUESTIONS**

There were none.

The meeting ended at 7.24 pm.

Chair

**STROUD DISTRICT COUNCIL**  
**ENVIRONMENT COMMITTEE**

**AGENDA  
ITEM NO**

**4 JUNE 2020**

**5**

<b>Report Title</b>	<b>HORSLEY NEIGHBOURHOOD DEVELOPMENT PLAN: PROGRESS TO REFERENDUM</b>
<b>Purpose of Report</b>	To inform councillors of progress regarding the Horsley Neighbourhood Development Plan (HNDP).
<b>Decision(s)</b>	<p><b>The Committee RESOLVES:</b></p> <ul style="list-style-type: none"> <li><b>a. To accept all recommended modifications of the Examiner’s Report (Appendix A);</b></li> <li><b>b. that the Horsley Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP;</b></li> <li><b>c. to take all appropriate actions to progress the Horsley Neighbourhood Development Plan to referendum no sooner than May 2021.</b></li> </ul>
<b>Consultation and Feedback</b>	<p>The HNDP has been through two statutory consultations. Horsley Parish Council undertook a pre-submission consultation (Regulation 14) from 16<sup>th</sup> October 2018 to 30<sup>th</sup> November 2018 and the Council undertook a post-submission consultation (Regulation 16) from 20<sup>th</sup> November 2019 to 8<sup>th</sup> January 2020. Both consultations lasted no less than the six weeks as required by the regulations.</p> <p>Horsley Parish Council considered the comments received during the Regulation 14 consultation and made changes to the plan. The comments received during the Council’s Regulation 16 consultation were provided to the examiner of the plan who considered them during the examination.</p>
<b>Report Author</b>	Simon Maher, Senior Neighbourhood Planning Officer Tel: 01453 754339 Email: <a href="mailto:simon.maher@stroud.gov.uk">simon.maher@stroud.gov.uk</a>

<p><b>Options</b></p>	<p><b>Option 1 - Make modifications to the HNBP in accordance with the examiner's recommendations</b></p> <p>This is the option promoted by this report. It consists of accepting the recommendations made in the neighbourhood plan examination report, determining that the HNBP meets the basic conditions and all legal requirements and should therefore proceed to a referendum.</p> <p>This approach is considered to be the best option for progressing the plan prepared by the community without any unnecessary delay in the decision making process.</p> <p><b>Option 2 – Make a decision that differs from the examiner's recommendation</b></p> <p>If the Council were to propose a decision that differs from the examiner's recommendation, the Council is required to:</p> <ol style="list-style-type: none"> <li>1. notify all those identified on the consultation statement of the town council and invite representations, during a period of six weeks,</li> <li>2. refer the issue to a further independent examination if appropriate.</li> </ol> <p><b>Option 3 - Refuse the Plan</b></p> <p>The Council can decide that it is not satisfied with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified. Without robust grounds, which are not considered to be present in this case, refusing to take the plan to a referendum could leave the Council vulnerable to a legal challenge.</p>			
<p><b>Background Papers</b></p>	<p>N/A</p>			
<p><b>Appendices</b></p>	<p>Appendix A – <a href="#">Horsley NDP Examiner's Report</a></p>			
<p><b>Implications (further details at the end of the report)</b></p>	<p>Financial</p>	<p>Legal</p>	<p>Equality</p>	<p>Environmental</p>
	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>

## BACKGROUND

- 1.1 Neighbourhood planning was introduced through the Localism Act 2011. New powers allowed qualifying bodies (parish or town councils) to produce NDPs. NDPs allow communities to set planning policies for their area.
- 1.2 Once adopted, NDPs join the adopted Local Plan in the Council's Development Plan. They must be considered when planning decisions are made, along with the Local Plan and national planning policy.

- 1.3 Following an update to Neighbourhood Planning guidance in response to the COVID-19 pandemic, the plan will now carry significant weight in decision making if approved to proceed to referendum.
- 1.4 Producing a NDP allows parish and town councils to increase the amount of Community Infrastructure Levy (CIL) funds they receive from developments within their area from 15% to 25%.
- 1.5 NDPs must be examined by a suitably qualified independent person, appointed by the Council and agreed by the qualifying body (Town/Parish Council). Neighbourhood plans must also pass a referendum of local voters by a simple majority. If a plan passes referendum, the Council must make (adopt) it, unless it breaches EU obligations or human rights legislation.

### **HORSLEY NEIGHBOURHOOD DEVELOPMENT PLAN**

- 1.6 The Horsley Neighbourhood Area was designated by resolution of the Council's Environment Committee on 4<sup>th</sup> September 2014.
- 1.7 The HNDP was led by Horsley Parish Council ('the qualifying body').
- 1.8 A submission version of the HNDP was accepted by the Council on 12<sup>th</sup> November 2019, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the regulations', the Council consulted on the plan for six weeks and arranged for the plan to be examined.

### **EXAMINATION**

- 1.9 The Council appointed Andrew Ashcroft MRTPI as independent examiner of the HNDP.
- 1.10 The examination concludes once the Examiner's Report is received by the Council. The Examiner's Report contains a recommendation of whether the HNDP, with or without modifications, should proceed to a referendum.
- 1.11 The examiner's findings, including recommendations and the reasons for them, are set out in the Examiner's Report (Appendix A). The examiner only makes recommendations necessary to make the Plan, meet the basic conditions and other legal requirements.
- 1.12 The recommended modifications to the HNDP are set out throughout the Examiner's Report (Appendix A).



## CONSIDERATION

- 1.13 Following the completion of the examination, the Council is required to consider each of the examiner's recommendations and the reasons for them and decide what action to take in response to each. Officers have reviewed the Examiner's Report and agree with all the recommendations and the reasons for them.
- 1.14 The Council is required to consider whether the draft HNDP meets the basic conditions, is compatible with the Convention rights and complies with the definition of an NDP and the provisions that can be made by a NDP or can do so as modified.
- 1.15 Officer's have carefully considered the HNDP and the Examiner's report and consider that:
- I. The HNDP, as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. The HNDP has been assessed against the National Planning Policy Framework and national Planning Practice Guidance and modifications proposed to comply with national policy.
  - II. The HNDP, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. The HNDP has been subject to sustainability assessment that identifies the plan will have an overall positive effect.
  - III. The HNDP, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the development plan as a whole for the area. The HNDP has been assessed against the adopted Stroud District Local Plan and modifications proposed to ensure the HNDP does not become out-of-date in the context of a review of strategic policies in the Local Plan.
  - IV. The HNDP, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations. The Examiner's assessment has involved considering the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in November 2019, which confirmed to Horsley Parish Council that a SEA and a full HRA were not required on the HNDP.
  - V. The HNDP, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites and European offshore marine sites. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in November 2019, which confirmed to Horsley Parish Council that a SEA and a full HRA were not required on the HNDP.

- VI. The HNDP, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. The Examiner considered the Convention's Articles 6(1), 8 and 14 and its First Protocol Article 1. Nothing in his examination of the Draft HNDP indicated any breach of a Convention right. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
- VII. The HNDP, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The HNDP sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect; it does not include provision about development that is 'excluded development' and does not relate to more than one neighbourhood area or repeat an existing planning permission.
- 1.16 Subject to consideration at the meeting, members are asked to authorise officers to make the modifications specified in the Examiner's Report and progress the modified version of the plan to a referendum.
- 1.17 The neighbourhood area matches the civic boundary of Horsley Parish; officers recommend that the referendum area should remain that of the Horsley Neighbourhood Area, as designated by the Council on 4<sup>th</sup> September 2014. However, the Council cannot make a decision that differs from the examiners' recommendations about the referendum area.

## **NEXT STEPS**

- 1.18 The Council must publish a statement setting out its decision and the reason for making it. Once this is published, the plan will carry significant weight in the decision making process in line with revised Neighbourhood Planning guidance in response to the COVID-19 pandemic. The qualifying body will need to modify the plan and produce a final version for the referendum.
- 1.19 The Council would normally be required to hold a referendum within 56 working days from the date that the decision to take the plan forward to a referendum is published. Due to the COVID-19 pandemic, no referendum can take place until May 2021.
- 1.20 If the plan passes referendum, the Council is required to make (adopt) it unless it breaches EU or Human Rights legislation. The Council's scheme of delegation does not delegate this decision to officers or the Environment Committee, so the decision to make the plan will be made by full Council. The plan cannot be modified at that stage.

## **2. IMPLICATIONS**

### **2.1 Financial Implications**

There are no direct financial implications arising from this recommendation. Not to accept the recommendations could lead to costs associated with legal challenge

Adele Rudkin, Accountant

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### **2.2 Legal Implications**

As stated in paragraph 1.19, ordinarily, a neighbourhood planning referendum must be held within 56 days immediately following publication of the decision. However, Regulation 13 of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 supersedes Regulation 2A of the Neighbourhood Planning (Referendums) Regulations 2012(1). As such, the referendum will not be held until the 6<sup>th</sup> of May 2021 as things currently stand.

Notwithstanding the referendum date, as soon as publication of the decision statement has been made detailing the Council's intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application

Patrick Arran, Interim Head of Legal Services & Monitoring Officer

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### **2.3 Equality Implications**

As part of the Examination process the plan was found to meet the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. A requirement of meeting these conditions is that the plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations  
No Equality Impact Assessment has been carried out.

### **2.4 Environmental Implications**

The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, Stroud District Council (SDC) undertook a screening exercise in November 2019 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. As a result of this process SDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require an SEA.

SDC also prepared a Habitats Regulations Assessment (HRA) of the Plan. It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.

As part of the Examination process the plan was found to meet the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. A requirement of meeting these conditions is that the plan must contribute to the achievement of sustainable development and not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

**STROUD DISTRICT COUNCIL**  
**ENVIRONMENT COMMITTEE**

**AGENDA  
ITEM NO**

**4 JUNE 2020**

**6**

<b>Report Title</b>	<b>CAM NEIGHBOURHOOD DEVELOPMENT PLAN: PROGRESS TO REFERENDUM</b>
<b>Purpose of Report</b>	To inform councillors of progress regarding the Cam Neighbourhood Development Plan (CNDP).
<b>Decision(s)</b>	<p><b>The Committee RESOLVES:</b></p> <ul style="list-style-type: none"> <li>a. <b>To accept all recommended modifications of the Examiner’s Report (Appendix A);</b></li> <li>b. <b>that the Cam Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP;</b></li> <li>c. <b>to take all appropriate actions to progress the Cam Neighbourhood Development Plan to referendum no sooner than May 2021.</b></li> </ul>
<b>Consultation and Feedback</b>	<p>The CNDP has been through two statutory consultations. Cam Parish Council undertook a pre-submission consultation (Regulation 14) from 17<sup>th</sup> June 2019 to 29<sup>th</sup> July 2019 and the Council undertook a post-submission consultation (Regulation 16) from 29<sup>th</sup> November to 17<sup>th</sup> January 2020. Both consultations lasted no less than the six weeks as required by the regulations.</p> <p>Cam Parish Council considered the comments received during the Regulation 14 consultation and made changes to the plan. The comments received during the Council’s Regulation 16 consultation were provided to the examiner of the plan who considered them during the examination.</p>
<b>Report Author</b>	Simon Maher, Senior Neighbourhood Planning Officer Tel: 01453 754339 Email: <a href="mailto:simon.maher@stroud.gov.uk">simon.maher@stroud.gov.uk</a>

<p><b>Options</b></p>	<p><b>Option 1 - Make modifications to the CNDP in accordance with the examiner's recommendations</b></p> <p>This is the option promoted by this report. It consists of accepting the recommendations made in the neighbourhood plan examination report, determining that the CNDP meets the basic conditions and all legal requirements and should therefore proceed to a referendum.</p> <p>This approach is considered to be the best option for progressing the plan prepared by the community without any unnecessary delay in the decision making process.</p> <p><b>Option 2 – Make a decision that differs from the examiner's recommendation</b></p> <p>If the Council were to propose a decision that differs from the examiner's recommendation, the Council is required to:</p> <ol style="list-style-type: none"> <li>1. notify all those identified on the consultation statement of the town council and invite representations, during a period of six weeks,</li> <li>2. refer the issue to a further independent examination if appropriate.</li> </ol> <p><b>Option 3 - Refuse the Plan</b></p> <p>The Council can decide that it is not satisfied with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified. Without robust grounds, which are not considered to be present in this case, refusing to take the plan to a referendum could leave the Council vulnerable to a legal challenge.</p>			
<p><b>Background Papers</b></p>	<p>N/A</p>			
<p><b>Appendices</b></p>	<p>Appendix A – <a href="#">Cam NDP Examiner's Report</a></p>			
<p><b>Implications (further details at the end of the report)</b></p>	<p>Financial</p>	<p>Legal</p>	<p>Equality</p>	<p>Environmental</p>
	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>

## BACKGROUND

- 1.1 Neighbourhood planning was introduced through the Localism Act 2011. New powers allowed qualifying bodies (parish or town councils) to produce NDPs. NDPs allow communities to set planning policies for their area.
- 1.2 Once adopted, NDPs join the adopted Local Plan in the Council's Development Plan. They must be considered when planning decisions are made, along with the Local Plan and national planning policy.

- 1.3 Following an update to Neighbourhood Planning guidance in response to the COVID-19 pandemic, the plan will now carry significant weight in decision making if approved to proceed to referendum.
- 1.4 Producing a NDP allows parish and town councils to increase the amount of Community Infrastructure Levy (CIL) funds they receive from developments within their area from 15% to 25%.
- 1.5 NDPs must be examined by a suitably qualified independent person, appointed by the Council and agreed by the qualifying body (Town/Parish Council). Neighbourhood plans must also pass a referendum of local voters by a simple majority. If a plan passes referendum, the Council must make (adopt) it, unless it breaches EU obligations or human rights legislation.

### **CAM NEIGHBOURHOOD DEVELOPMENT PLAN**

- 1.6 The Cam Neighbourhood Area was designated by resolution of the Council's Environment Committee on 4<sup>th</sup> February 2014.
- 1.7 The CNDP was led by Cam Parish Council ('the qualifying body').
- 1.8 A submission version of the CNDP was accepted by the Council on 27<sup>th</sup> November 2019, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the regulations', the Council consulted on the plan for six weeks and arranged for the plan to be examined.

### **EXAMINATION**

- 1.9 The Council appointed John Slater MRTPI as independent examiner of the CNDP.
- 1.10 The examination concludes once the Examiner's Report is received by the Council. The Examiner's Report contains a recommendation of whether the CNDP, with or without modifications, should proceed to a referendum.
- 1.11 The examiner's findings, including recommendations and the reasons for them, are set out in the Examiner's Report (Appendix A). The examiner only makes recommendations necessary to make the Plan, meet the basic conditions and other legal requirements.
- 1.12 The recommended modifications to the CNDP are set out throughout the Examiner's Report (Appendix A).

## CONSIDERATION

- 1.13 Following the completion of the examination, the Council is required to consider each of the examiner's recommendations and the reasons for them and decide what action to take in response to each. Officers have reviewed the Examiner's Report and agree with all the recommendations and the reasons for them.
- 1.14 The Council is required to consider whether the draft CNDP meets the basic conditions, is compatible with the Convention rights and complies with the definition of an NDP and the provisions that can be made by a NDP or can do so as modified.
- 1.15 Officer's have carefully considered the CNDP and the Examiner's report and consider that:
- I. The CNDP, as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. The CNDP has been assessed against the National Planning Policy Framework and national Planning Practice Guidance and modifications proposed to comply with national policy.
  - II. The CNDP, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. The CNDP has been subject to sustainability assessment that identifies the plan will have an overall positive effect.
  - III. The CNDP, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the development plan as a whole for the area. The CNDP has been assessed against the adopted Stroud District Local Plan and modifications proposed to ensure the CNDP does not become out-of-date in the context of a review of strategic policies in the Local Plan.
  - IV. The CNDP, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations. The Examiner's assessment has involved considering the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in November 2019, which confirmed to Cam Parish Council that a SEA and a full HRA were not required on the CNDP.
  - V. The CNDP, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites and European offshore marine sites. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in November 2019, which



confirmed to Cam Parish Council that a SEA and a full HRA were not required on the CNDP.

- VI. The CNDP, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. The Examiner considered the Convention's Articles 6(1), 8 and 14 and its First Protocol Article 1. Nothing in his examination of the Draft CNDP indicated any breach of a Convention right. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
  - VII. The CNDP, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The CNDP sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect; it does not include provision about development that is 'excluded development' and does not relate to more than one neighbourhood area or repeat an existing planning permission.
- 1.16 Subject to consideration at the meeting, members are asked to authorise officers to make the modifications specified in the Examiner's Report and progress the modified version of the plan to a referendum.
- 1.17 The neighbourhood area matches the civic boundary of Cam Parish; officers recommend that the referendum area should remain that of the Cam Neighbourhood Area, as designated by the Council on 4<sup>th</sup> February 2014. However, the Council cannot make a decision that differs from the examiners' recommendations about the referendum area.

## **NEXT STEPS**

- 1.18 The Council must publish a statement setting out its decision and the reason for making it. Once this is published, the plan will carry significant weight in the decision making process in line with revised Neighbourhood Planning guidance in response to the COVID-19 pandemic. The qualifying body will need to modify the plan and produce a final version for the referendum.
- 1.19 The Council would normally be required to hold a referendum within 56 days from the date that the decision to take the plan forward to a referendum is published. Due to the COVID-19 pandemic, no referendum can take place until May 2021.
- 1.20 If the plan passes referendum, the Council is required to make (adopt) it unless it breaches EU or Human Rights legislation. The Council's scheme of delegation does not delegate this decision to officers or the Environment Committee, so the decision to make the plan will be made by full Council. The plan cannot be modified at that stage.

## **2. IMPLICATIONS**

### **2.1 Financial Implications**

There are no direct financial implications arising from this recommendation. Not to accept the recommendations could lead to costs associated with legal challenge

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### **2.2 Legal Implications**

As stated in paragraph 1.19, ordinarily, a neighbourhood planning referendum must be held within 56 days immediately following publication of the decision. However, Regulation 13 of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 supersedes Regulation 2A of the Neighbourhood Planning (Referendums) Regulations 2012(1). As such, the referendum will not be held until the 6<sup>th</sup> of May 2021 as things currently stand.

Notwithstanding the referendum date, as soon as publication of the decision statement has been made detailing the Council's intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application

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### **2.3 Equality Implications**

As part of the Examination process the plan was found to meet the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. A requirement of meeting these conditions is that the plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations

No Equality Impact Assessment has been carried out.

### **2.4 Environmental Implications**

The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, Stroud District Council (SDC) undertook a screening exercise in November 2019 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. As a result of this process SDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require an SEA.

SDC also prepared a Habitats Regulations Assessment (HRA) of the Plan. It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.

As part of the Examination process the plan was found to meet the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. A requirement of meeting these conditions is that the plan must contribute to the achievement of sustainable development and not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

**STROUD DISTRICT COUNCIL**  
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**4 JUNE 2020**

**7**

<b>Report Title</b>	<b>PAPER RECYCLING CONTRACT EXTENSION</b>			
<b>Purpose of Report</b>	To set out the rationale for the decision to operate the extension in the contract.			
<b>Decision(s)</b>	<b>The Committee RESOLVES to extend the existing contract for a period of 12 months on the terms set out in this report.</b>			
<b>Consultation and Feedback</b>	S151 Officer, Environment Committee Chair and members, Legal and Procurement colleagues have been consulted at various stages.			
<b>Report Author</b>	Michael Towson, Community Services Manager Tel: 01453 754336 Email: <a href="mailto:michael.towson@stroud.gov.uk">michael.towson@stroud.gov.uk</a>			
<b>Options</b>	Full procurement could be undertaken but is advised against for reasons laid out in the report.			
<b>Background Papers</b>	None			
<b>Appendices</b>	<b>The following appendix contains exempt information by Virtue of Paragraph 3 of Part 1 of Schedule 12a of the Local government act 1972 and a resolution may be passed to exclude the public during consideration of this item:</b>  Appendix 1 - Contract Extension Offer			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	Yes	Yes	No	No

**1. INTRODUCTION**

- 1.1 In July 2018 SDC entered in to a contract for the haulage and recycling of waste paper and cardboard collected by Ubico from district residents.
- 1.2 The contract was for an initial 2 years with the option to extend for up to an additional 2 years.
- 1.3 The paper and card mix, officially known as ‘mixed papers’, is tipped from collection vehicles at the transfer station in Gossington, where haulage vehicles load the material for onward transportation and reprocessing.
- 1.4 Over the last months, changes to world markets have impacted paper recycling prices. Numerous countries including China have imposed much stricter specifications, which has essentially closed large portions of the market. This has meant that remaining markets

are flooded with paper recycle, driving prices lower, whilst the need for quality is increasing.

- 1.5 The timing of this depression means that SDC is not insulated financially and needs to act swiftly to ensure an appropriate outlet is retained. This will ensure that the material can continue to be recycled and that recycling credits related to this are safeguarded.

## **2. CONTRACT DETAIL**

- 2.1 At the inception of the contract, the contractor charged a gate fee of £15 per tonne and bought the mixed paper material for £50 per tonne (a £35 net income for SDC). These rates were to be reviewed throughout the contract term.
- 2.2 After the most recent review the gate fee remained at £15 and the rebate reduced to £45. These rates will apply until the end of June 2020.
- 2.3 In recent discussions the contractor has indicated that the price review mechanism within the contract does not allow for sufficient movement and therefore lags behind the true market rates.
- 2.4 SDC refer to Lets Recycle Prices, available publically at [www.letsrecycle.com/prices](http://www.letsrecycle.com/prices). These prices are recognised nationally and are produced for use within the industry. They form the basis of the price review mechanism.
- 2.5 In July 2018 the mid-point price for mixed paper was £38.50. The latest figure published for March 2020, lists the mid-point price for the same commodity as **-£9.00**, a difference of £47.50.
- 2.6 This does illustrate the contractors' argument very clearly. The original contract was set at a price £11.50 above the average (mid-point) price, whilst in March 2020, the contractor was paying £54.00 above the average price. Clearly in the short term this is good for SDC finances, but it does mean that the contractor is unwilling to extend the contract without adjusting the terms.
- 2.7 It should be pointed out that a comparison of the industry prices indicate that this is a genuine industry wide problem and not one that has been created by the contractor to renegotiate the strong contractual terms SDC currently have.

## **3 NEGOTIATIONS**

- 3.1 In early November 2019 a regular management meeting took place when a contract extension was discussed positively. However, both parties thought it prudent to keep the option under review and make arrangements for the extension clause to be invoked in early 2020.
- 3.2 Following the 2019 festive period, the contractor responded to the global markets by tightening their quality standards, particularly reducing the acceptable moisture content and acceptable contamination levels. At this point it was made clear that an extension to the existing contract was viable but only under amended terms. Clarification was sought and on 31<sup>st</sup> March 2020 an offer was made to SDC.

## 4 OPTIONS

- 4.1 There are only really two viable options available. The first is that we accept the revised terms provided by the incumbent contractor. Full details are laid out in Appendix 1. Financially the likely impact is laid out below in table 1 although this will change based on a monthly review, rather than the current 6 monthly review which introduces a level of fluidity and provides less certainty than the Council has at present. The review will also entirely reflect the market, rather than adjusting at a percentage of the market fluctuation:

Table 1 – Table to illustrate the financial implications of the proposed new contractual terms

Year	Total Annual Income/Cost (based on 5,000 tonnes recycled per annum)
2018	£175,000
2020 (until June)	£150,000
2020 (new terms post June)	-£105,000

- 4.2 This option will require an amendment to contract terms.
- 4.3 The alternative option is to go back to the market and procure the service. There is limited time to undertake this, although it is feasible. However, there are a number of considerations that make this option less attractive at this time.
- 4.4 Firstly, the impact of Covid-19 on procurement is somewhat unknown. Many sectors continue to function but whether businesses will be looking to add to their portfolio at the current time is unknown.
- 4.5 In addition, the market for mixed papers is depressed and prices are well below historic highs. Procuring in such times does risk any future upturn benefits whilst an extension will provide some certainty and give officers an opportunity to track the market prior to inform a future procurement exercise
- 4.6 Most convincingly though is the limitation of paper mills quoting for contracts. At the time of the last procurement, one paper mill submitted a bid, alongside two merchants. Merchants are essentially a third party that trade material and run logistics. The prices they offer are usually lower than a paper mill to allow for their margin, something that was very evident at procurement in 2018. During evaluation of the 2 year term, the incumbent contractor was estimated to provide an additional £250k of income over the next best bid from a merchant. In fact Lets Recycle list different prices for merchants, reflecting that greater benefits can be gleaned from a relationship directly with a paper mill. In March 2020 the mid-point price from a merchant for each tonne of mixed papers was -£30; this compares to -£9 for domestic mills.

## 5. CONCLUSION AND RECOMMENDATION

- 5.1 Recyclates are prone to price fluctuations and like other global commodities, tend to reflect the buoyancy of markets. In recent times markets have dwindled, flooding the market with paper to recycle. Paper mills have been able to upgrade their specifications whilst paying less money. The result means a far less appealing deal for local authorities up and down the country.

- 5.2 Given the information laid out in this report, the recommendation is that SDC extend the existing contract for a period of 12 months and accept the revised terms proposed. Not only will this guarantee that paper continues to be recycled, it will also enable officers to consider the market when carrying out procurement for a new contract, during which time the global markets may have recovered. Even if this is not the case, it is hoped that any uncertainty provided by Covid-19 will have subsided.
- 5.3 Financially this will cost SDC circa. £255k over the 12 month term. This is though a reflection of the current market and cannot be mitigated beyond the existing contract term.

## **6. IMPLICATIONS**

### **6.1 Financial Implications**

The financial implications are clearly set out in the report. The full year impact of this change is a cost of approximately £255k. As the shift in pricing happens at the end of June it is estimated that the impact will be approximately £190k in 2020/21 and £65k in 2021/22.

The fall in income in 2020/21 will be managed through the Waste and Recycling reserve.

An adjustment will need to be made in the 2021/22 budget setting process to reflect the change in the economic value. Although this is a significant additional budget pressure for the authority, it is quite clear from the report that this is a reflection of market trends and not an issue with Stroud's contractual arrangements. This necessitates adjustment in the Council's Medium Term Financial Plan as re-procurement at the end of the extension period is unlikely to materially change the situation.

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### **6.2 Legal Implications**

The current contract provides the ability to extend the contract as proposed. Whilst this should normally be on the same terms in order to satisfy Regulation 72 of the Public Contract Regulations, given the circumstances set out in this report, the Monitoring Officer has taken the view that he would ordinarily have issued an exemption to Contract Procedure Rules and it is appropriate to extend the contract notwithstanding that Reg.72(1) (iii) (price) is not satisfied.

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### **6.3 Equality Implications**

There are not any specific changes to service delivery proposed within this decision.

### **6.4 Environmental Implications**

There are no significant implications within this category.

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**4 JUNE 2020**

**WORK PROGRAMME**

<b>Date of meeting</b>	<b>Matter to be considered</b>	<b>Notes (e.g. lead Member/Officer)</b>
<b>04.06.20</b>	Extension of Paper Recycling	Community Services Manager
	Cam Neighbourhood Development Plan	Senior Neighbourhood Planning Officer
	Horsley Neighbourhood Development Plan	Senior Neighbourhood Planning Officer
	Work Programme 2020/21	Leads: Chair and Strategic Director of Places
	Member Reports – Written submission to be circulated to Members a) Planning Review Panel b) Stroud Regeneration Committee	Leads: Cllr N Studdert-Kennedy Cllr S Pickering
	Appointments a) Performance Monitoring Representatives	
<b>03.09.20</b>	Work Programme 2020/21	Leads: Chair and Strategic Director of Places
	Final Draft Local Plan Recommendation to Council for submission of Plan	Head of Planning Strategy
	CN2030 Strategy - first draft for consultation	Carbon Neutral Officer
	Budget Monitoring Report 2020/21 Q1	Accountant
	Member Reports – Written submission to be circulated to Members a) Planning Review Panel b) Stroud Regeneration Committee c) Performance Monitoring	Leads: Cllr N Studdert-Kennedy Cllr S Pickering
<b>03.12.20</b>	Work Programme 2020/21	Leads: Chair and Strategic Director of Places
	Member Reports – Written submission to be circulated to Members a) Planning Review Panel b) Stroud Regeneration Committee c) Performance Monitoring	Leads: Cllr N Studdert-Kennedy Cllr S Pickering
	CIL spending proposals	Housing Strategy and Community Infrastructure Manager
	Budget Monitoring Report 2020/21 Q2	Accountant
	Revenue Estimates Revised 2020/21 and Original 2021/22	Accountant



<b>04.02.21</b>	Work Programme 2020/21	Leads: Chair and Strategic Director of Places
	Member Reports – Written submission to be circulated to Members a) Planning Review Panel b) Stroud Regeneration Committee c) Performance Monitoring	Leads: Cllr N Studdert-Kennedy Cllr S Pickering
<b>20.03.21</b>	Work Programme 2020/21	Leads: Chair and Strategic Director of Places
	Member Reports – Written submission to be circulated to Members a) Planning Review Panel b) Stroud Regeneration Committee c) Performance Monitoring	Leads: Cllr N Studdert-Kennedy Cllr S Pickering
	Budget Monitoring Q3	Accountant

### **Items for future meetings**

- Community Involvement
- Carbon Neutral 2030 Updates
- Report on Glover Review
- SDC Tree Strategy
- Carbon Sequestration Woodland
- Building Back Better Strategy
- Walking and Cycling Strategy Update

<b>Published Members' Information Sheets</b>		
<b>Date sent (&amp; Ref No)</b>	<b>Topic</b>	<b>Notes (e.g. responsible officer)</b>
20 January 2020 E-2019/20-001	The Landscapes Review Final Report (The Glover Review)	Principal Planner, Planning Strategy
20 January 2020 E-2019/20-002	Update on the work of the Service Review Working Group – Ubico Multi-Service Contract	Community Services Manager
23 January 2020 E-2019/20-003	Ash Dieback	Senior Arboriculture Officer
3 February 2020 E-2019/20-004	Dissolution of the Gloucestershire Joint Waste Committee and formation of the Gloucestershire Resources and Waste Partnership	Community Services Manager

### **Information Sheets for Future Meetings:**

Marine Management Organisation and Marine Management Plan – TBC