

Division(s): N/A

CABINET MEMBER FOR ENVIRONMENT – 10 OCTOBER 2013

UPDATED NATIONAL WASTE PLANNING POLICY: PLANNING FOR SUSTAINABLE WASTE MANAGEMENT – RESPONSE TO CONSULTATION BY DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

Report by Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

Introduction

1. Current national planning policy for waste is contained in Planning Policy Statement PPS10: Planning for Sustainable Waste Management, revised March 2011. This policy statement was retained by the Government when all other planning policy statements were replaced by the National Planning Policy Framework (NPPF) in March 2012. This is because PPS10 forms part of the National Waste Management Plan for England which is required by the EU Waste Framework Directive, 2008.
2. The Government is preparing a new Waste Management Plan for England and in July 2013 the Department for Environment and Rural Affairs published a draft for consultation. That was largely drawn from the earlier Waste Strategy for England, 2007 and the Government's 2011 Review of Waste Policy in England. It does not introduce any new waste management measures. The Government's intention is for that Plan, combined with updated waste planning policy, to fulfil the obligations of the EU Waste Framework Directive for a national waste plan for England.

Updated National Waste Planning Policy

3. The Department for Communities and Local Government has now published for consultation updated National Waste Planning Policy: Planning for Sustainable Waste Management, July 2013. The proposed updated policy is largely drawn from the existing PPS10 and, in line with the approach taken in the NPPF is a shorter, more succinct document. This will make it briefer and easier to use, provided it does not introduce ambiguity through loss of explanation and context for policy.
4. The consultation period ends on 23 September 2013. In view of that deadline, a draft response to the consultation has been submitted to be confirmed following consideration of this paper. The drafts are attached at Annex 1.
5. Generally, the proposed updated waste planning policy is to be welcomed as it largely retains the national policy basis for waste planning that has served

well for some years and the opportunity has been taken to improve some aspects of it. The updated policy promotes a pivotal role for the planning system in delivering the waste management facilities that are required in the right place and at the right time and maintains the plan-led approach to waste planning. It has a continued focus on moving the management of waste up the waste hierarchy away from landfill and towards reuse, recycling and other recovery. It also emphasises provision of a waste management framework in which communities take more responsibility for their own waste and which enables waste to be recovered or disposed in one of the nearest appropriate installations (the proximity principle).

6. I do, however, have some concerns about the consultation document which have been raised in the response at Annex 1, as set out below.

Green Belt Policy

7. The most significant change from the existing PPS10 is in policy for locating waste management facilities in green belt.
8. PPS10 says the particular locational needs of some types of waste management facilities should be recognised when defining green belt boundaries and in determining planning applications and that these locational needs, together with the wider environmental benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be permitted. The proposed updated policy removes the reference to determining planning applications.
9. This proposed change in policy is of concern given the on-going need for waste management facilities to serve Oxford but lack of available sites within the City, inside the green belt boundary. The existing policy has helped enable permissions to be granted for waste facilities in sustainable locations close to Oxford, where they are most needed, such as the anaerobic digestion plant at Cassington. However, the proposed change in policy would make granting permission for further waste facilities within the green belt more difficult to justify, leading to facilities being located at greater distances from waste arisings with consequently increased road transport distances.

Other Main Issues

10. There is a lack of clarity in the updated policy on which waste streams should be covered in waste local plans, in particular how construction, demolition and excavation waste, hazardous waste, waste water and radioactive waste should be addressed.
11. It is unclear what national planning policy on radioactive waste is. This is not covered in the draft Waste Management Plan for England. The government and the Nuclear Decommissioning Authority have produced a number of policy and strategy documents on the management of radioactive waste but the status of these as planning policy is not clear.

12. There is a new policy requirement for waste planning authorities to work jointly, under the duty to co-operate. This is to be welcomed but does not go very far in clarifying what authorities should do in order to meet that duty. Also, it would be helpful if the policy included authorities working together through sub-national waste planning working groups (like the existing South East Waste Planning Advisory Group). It seems anomalous that the NPPF requires authorities to belong to an Aggregate Working Party but that there is no similar reference to waste planning working groups, even though equally significant strategic cross boundary issues are involved (eg provision for management of waste from London).
13. The introductory part of the consultation document refers to the principles of proximity and self-sufficiency, which come from the EU Waste Framework Directive. There has been confusion over whether these are planning principles and, if so, how they should be applied at the waste planning authority level. The updated policy itself does not mention self-sufficiency. It does define the proximity principle, but only by repeating wording in the Waste Framework Directive. The updated policy needs to make clear what these principles mean for planning and how the government expects them to be applied at the waste planning authority level.
14. There is a lack of recognition in the updated policy of the paucity of good data for some waste streams at waste planning authority level, particularly for commercial and industrial and construction, demolition and excavation wastes and the consequent difficulty in forecasting future waste management requirements. In view of this, the policy may set unrealistic expectations for what waste planning authorities are able to deliver in the preparation and monitoring of waste local plans.
15. There is confusion over how waste planning authorities should deal with pollution issues. The updated policy says planning authorities should not concern themselves with the control of processes that are a matter for the pollution control authorities (e.g. the Environment Agency) but the locational criteria at Annex B include consideration of the extent to which air emissions and odours can be controlled. There seems to be a conflict between these two requirements.

Financial and Staff Implications

16. The updated National Waste Planning Policy is to replace existing similar policy and has no additional financial or staff implications for the Council.

RECOMMENDATION

17. **The Cabinet Member for Environment is RECOMMENDED to confirm the response at Annex 1 to this report as submitted to the Department for Communities and Local Government consultation on updated National Waste Planning Policy: Planning for Sustainable Waste Management, July 2013.**

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Background papers: None

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ANNEX 1

Response to Department for Communities and Local Government consultation on updated National Waste Planning Policy: Planning for Sustainable Waste Management, July 2013.

Consultation Questions

Question 1: Existing national waste planning policy in Planning Policy Statement 10 has been well-supported, so the Government has focussed on streamlining the policy in line with National Planning Policy Framework principles rather than introduce radically new proposals. **Do you agree with this approach? Do you think there is anything fundamentally missing from the updated policy that must be included?**

Response – Yes

- i There is a lack of clarity in the updated policy on which waste streams should be covered in waste local plans. Paragraph 3 (bullet 2) only specifies municipal and commercial and industrial wastes. There is reference to the national policy statements for waste water and hazardous waste in paragraph 1 (sub-paragraph 3) but there is no reference at all to construction, demolition and excavation waste, agricultural waste and radioactive waste. The Guidance for local planning authorities on implementing planning requirements of the EU Waste Framework Directive, December 2012 lists all seven of these waste types as being wastes that waste planning authorities should plan for. The updated policy should make clear whether it is government policy that these wastes should be covered in waste local plans and, if so, how waste planning authorities should address them.
- ii It is unclear what national planning policy on radioactive waste is. This waste is not covered in the government's draft Waste Management Plan for England, July 2013. A number of policy and strategy documents have been produced by the government and the Nuclear Decommissioning Authority on radioactive waste, and in particular on the management of solid low level radioactive waste, but the status of these documents as planning policy is not clear. The updated policy needs to include a clear statement of national planning policy on radioactive waste.
- iii The new policy requirement in paragraph 3 (bullet 5) for waste planning authorities to work jointly, under the duty to co-operate, is welcomed. However, this needs to go further in clarifying what authorities should do in order to meet the duty, to reduce current uncertainty about this and help avoid either unnecessary engagement or failure at plan examination. It would be helpful if the policy also included authorities working together through sub-national waste planning working groups (like the existing South East Waste Planning Advisory Group); it seems anomalous that the NPPF requires authorities to belong to an Aggregate Working Party but that there is no

similar reference to waste planning working groups, notwithstanding that there are equally significant strategic cross boundary issues involved in planning for waste (e.g. provision for management of waste from London).

Question 2: The updated policy states that local planning authorities should ensure that the planned provision of new capacity and its spatial distribution is based on robust analysis of available data and information. **Do you think that sufficient data and information exists to allow waste planning authorities to adequately plan for provision of new capacity? What changes to the updated policy, if any, do you consider are necessary to achieve this?**

Response – No

- iv The updated policy does not recognise sufficiently the paucity of good data for most waste streams at waste planning authority level. This is particularly the case for commercial and industrial and construction, demolition and excavation wastes. The lack of good data makes it difficult to establish the baseline quantities of waste that require management within an authority area and to forecast future waste management requirements. In view of this, the updated policy may be setting unrealistic expectations for what waste planning authorities are able to deliver in the preparation (paragraphs 2 and 3) and monitoring (paragraph 8) of waste local plans.

Question 3: The policy sets out the requirements for identifying sites for new development, including the proximity principle and assessment criteria. **Do you agree with the requirements set out for identifying sites, including the policy additions on the potential for utilising heat and the siting alongside waste sewage treatment works in respect of energy from waste schemes?**

Response – No

- v The introductory part of the consultation document (paragraph 19) refers to the principles of proximity and self-sufficiency, which come from the EU Waste Framework Directive. There has been confusion over whether these are planning principles and, if so, how they should be applied by waste planning authorities at the planning authority level. The updated policy itself does not mention self-sufficiency. It does define the proximity principle in paragraph 4 (bullet 2) but this repeats wording in the Waste Framework Directive and is not helpful in explaining what it means for waste planning. The definition seems to limit the proximity principle just to the disposal of waste and the recovery of mixed municipal waste (which is not defined). It needs to be clarified whether this is the case or whether the proximity principle should also be applied to other waste management methods and waste types. It is also unclear what is meant in the definition by 'one of the nearest appropriate installations', including whether this relates to existing facilities only or also to the planning of locations for new facilities. The updated policy needs to make clear what the principles of proximity and self-sufficiency mean for planning

and how the government expects them to be applied at the waste planning authority level.

- vi The additions on potential for utilising heat and siting alongside waste sewage treatment works in respect of energy from waste schemes are welcomed but their inclusion as a footnote (footnote 4 to paragraph 4 bullet 4) rather than in the text of the updated policy raises questions over their status. This needs to be clarified and if they are part of government planning policy they should be included in the main text of the updated policy.

Question 4: The Government considers that, with minor amendment, the locational criteria which should steer selection of the suitability of areas or sites for waste are still appropriate and comprehensive. **Do you agree with the locational criteria? If not, what should be changed?**

Response – Yes (but see other comments below on pollution issues)

Question 5: **Are you content with the proposed policy approach concerning the consideration of proposals for waste facilities in the Green Belt?**

Response – No

- vii The change in policy on the location of waste management facilities in green belts in the updated planning policy (paragraph 5) from that in PPS10 (paragraph 3 bullet 6) will make it more difficult to justify permitting waste facilities close to the main urban areas, where they are most needed. This will lead to waste facilities being sited in less sustainable locations, beyond green belt boundaries and further from the main areas of waste arisings.
- viii The inclusion of the requirement for local planning authorities to ‘recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries’ is welcome but is likely to be of limited effect. In two-tier areas, it is district councils that define green belt boundaries in their local plans, not county councils (the waste planning authorities). Even where the district council can be persuaded of the need to amend a green belt boundary to accommodate sites for waste facilities, this is likely to be a long process and additional to the time taken to identify the waste management requirements and spatial strategy in the waste local plan.
- ix The loss of the PPS10 wording ‘and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission’ will be significantly detrimental to the delivery of waste management facilities where and when they are needed, in sustainable locations.

- x Within Oxfordshire, this proposed change in policy is of concern given the on-going need for waste management facilities to serve Oxford but lack of available sites within the City, inside the green belt boundary. The existing PPS10 policy has helped enable permissions to be granted for waste facilities in sustainable locations close to Oxford, where they are most needed, such as an anaerobic digestion plant at Cassington. The proposed change in policy would make granting permission for further waste facilities within the green belt more difficult to justify, leading to facilities being located at greater distances from waste arisings with consequently increased road transport distances.

Question 6 Guidance: Alongside this consultation exercise, the Government will be preparing guidance to support the policy in line with the principles set out by Lord Taylor of Goss Moor. **Are there any specific parts of the existing Planning Policy Statement 10 Companion Guide or Guidance to local authorities on implementing the EU Waste Framework Directive that you wish to see carried forward? Are there any other areas where guidance is required?**

Response – The Council has no specific comments at this stage but may wish to comment on this matter at a later stage.

Other comments

- xi There is confusion over how waste planning authorities should deal with pollution issues. The updated planning policy (paragraph 6, bullet 5) says planning authorities should not concern themselves with the control of processes that are a matter for the pollution control authorities (e.g. the Environment Agency); but the locational criteria in Annex B include consideration of the extent to which air emissions and odours can be controlled. There seems to be a conflict between these two requirements. This has long been an area of uncertainty in waste planning and the updated policy presents an important opportunity for the government to provide much needed clarification of policy on the interface between planning and pollution control.