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**Consultation on Planning Policy Statement 10: Planning for Sustainable Waste Management. (ODPM)**

**Consultation Paper 1 Document A – Changes to Waste Management Decision Making Principles in Waste Strategy 2000 (Defra)**

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**1. Purpose of Report**

- 1.1 To inform the Panel of the consultation paper on Planning Policy Statement 10: Planning for Sustainable Waste Management, and to seek its views on the consultation response to be sent to ODPM.
- 1.2 To advise the Panel of the related Consultation Paper 1 Document A – Changes to Waste Management Decision Making Principles in Waste Strategy 2000, and to seek its views on the consultation response to be sent to Defra.

**2. Background**

2.1 Planning Policy Guidance notes (PPGs) set out the Government's national planning policies on different aspects of land-use planning in England. The Government's Planning Green Paper, *Planning – delivering a fundamental change*, published in December 2001, announced that the Government intended to review all its planning policy guidance in order:

- to see whether it is needed;
- to seek greater clarity; and
- to separate guidance on practical implementation from policy statements.

Planning Policy Guidance will be replaced by Planning Policy Statements (PPSs) and, where appropriate, accompanied by companion guidance on the implementation of the policies set out in the PPS. The draft PPS 10, which will replace PPG 10: Planning and Waste Management, includes such guidance.

2.2 The consultation forms part of a wider package of reform being taken forward with Defra. *Waste Strategy 2000*, the Government's national waste strategy, sets out a vision of sustainable waste management. The emphasis is on reducing growth in waste and moving away from landfill to more environmentally acceptable ways of management. Managing waste more

sustainably, and meeting EU directive obligations, requires significant new investment in waste plant. Much of this investment has to pass through the planning system.

- 2.3 Moving waste management 'up the waste hierarchy' remains a key objective of Government waste policy in order to reduce the environmental impact of waste. It is therefore incorporated in the new PPS10 as a key objective. The Government also considers that it is vital that communities take responsibility for dealing with their own waste. This 'self-sufficiency' principle is reflected in the new PPS10 through the way regional planning bodies and local authorities are expected to plan for the management of the waste generated by their communities. Reflecting the EU Waste Framework Directive, *Waste Strategy 2000* expects waste to be disposed of as near as possible to its place of production. This too is given explicit expression in PPS10. These concepts sit within the new PPS10 as objectives to be delivered through planning strategies, against which planning applications are tested, rather than as separate principles in the manner of the previous guidance.
- 2.4 Defra, working with the ODPM, has also examined the role of Best Practicable Environmental Option (BPEO) in decision-making. This process encapsulates important principles (consultation, option appraisal, looking at long and short-term environmental impacts, cost effectiveness) which remain valid and are reflected in EU and UK legislation and its implementation. In particular, regional spatial strategies and waste development documents are now required to have a strategic environmental assessment while sustainability appraisal is required by the Planning and Compulsory Purchase Act 2004.
- 2.5 The new PPS, therefore, does not include a BPEO objective. The underlying principles will instead be delivered through a 'plan-led' approach and the emphasis on planning strategies for sustainable waste management delivering the objectives of the new PPS10. Planning strategies will be subject to sustainability appraisal and set within the expectation of community engagement outlined in PPS1: *Creating Sustainable Communities*. The practice guidance supporting PPS10 will cover how waste should be dealt with in the sustainability appraisal process.
- 2.6 To reflect this change, the Government is also consulting on proposed changes to *Waste Strategy 2000*. In addition there are consultations on draft Policy Guidance on Municipal Waste Management Strategies and Proposals for periodic provision of central advice on waste arisings and recycling potential.

### **3. Overview of Draft PPS10**

3.1 Government policy is to break the link between economic growth and the amount of waste produced and to move the management of waste up the "waste hierarchy" of reduction, re-use, recycling and composting and energy recovery. Where waste is produced, it should be seen as a potential resource to be put to good use. Disposal should be the last option. All waste management, including disposal, should be carried out safely in ways that minimise risks to the environment and human health.

3.2 Regional planning bodies and planning authorities should prepare and deliver planning strategies that:

- help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option but one which must be adequately catered for;
- enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- help implement the national waste strategy, and supporting targets, and are consistent with obligations required under European legislation;
- help secure the recovery or disposal of waste without endangering human health and without harming the environment and ensure waste is disposed of as near as possible to its place of production;
- reflect the concerns and interests of local communities, the needs of waste collection authorities, waste disposal authorities and business and encourage competitiveness;
- protect green belts but recognise the particular locational needs of some types of waste management and that 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;
- ensure the layout and design of new development supports sustainable waste management

3.3 Regional planning bodies and planning authorities should adhere to the following principles in preparing planning strategies:

- draft regional spatial strategies should aim to provide sufficient opportunities to meet the identified needs of their area for waste management for all relevant waste streams;
- waste planning authorities should prepare local development documents that reflect their contribution to delivering the regional spatial strategy;
- waste management should be considered alongside other spatial planning concerns such as transport, housing, economic growth, natural resources and regeneration and integrated effectively with other strategies;
- the planned provision of new capacity and its spatial distribution should be based on clear policy objectives, which in turn should be based on robust analysis of data and information, and an appraisal of options and be linked to measurable indicators of change;

- indicators should be monitored and reported on in regional planning bodies' and waste planning authorities' annual monitoring reports;
  - reviews should reflect any changes to the national waste strategy and occur at least every five years, sooner if there are signs of under-provision of waste management capacity or over-provision of disposal options where these would undermine movement up the waste hierarchy;
- 3.4 Waste planning authorities should adhere to the following principles in determining planning applications:
- avoid duplication between planning, waste management and pollution control regimes and disparate conditions being imposed on developers under planning and pollution control regimes;
  - work effectively with waste management and pollution control authorities to ensure the best use is made of expertise and information and decisions on planning applications, waste management and pollution control permits are delivered expeditiously;
  - in considering planning applications for waste developments before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan.
- 3.5 The Regional Spatial Strategy (RSS) should prepare a waste management strategy for a fifteen to twenty year period and include proposals for the tonnages of commercial and industrial, municipal, construction and demolition waste requiring management by waste planning authority areas. The proposed apportionment to waste planning authorities within the region should reflect the opportunities for waste management available in those authorities, including for disposal of the residues of treated wastes.
- 3.6 The tonnages of waste to be managed should be set out as an annual rate for which management capacity is required. Annual rates may vary over the period covered by the strategy to reflect, in particular, the impact of policies to reduce the level of waste arising. Spurious precision should be avoided. The annual rate provides a benchmark for delivery and the monitoring and review process, enabling adjustments to be made every five years or sooner if necessary.
- 3.7 Once the waste management strategy has been established in the regional spatial strategy and confirmed by the Secretary of State following public examination, it should be carried forward into local development documents (LDDs) and will inform the preparation and review of municipal waste management strategies. In preparing LDDs, there should be no need to reopen consideration of either its principles or the annual rates of waste to be managed.
- 3.8 Where circumstances have changed significantly, or there is important new information to be taken into account, the presumption should be that the regional spatial strategy should be revised before local development documents are next reviewed. Where this is not practicable, revisions to

annual rates of waste to be managed, or to the pattern of waste facilities of more than local significance, should take place in the context of advice from the regional planning body.

- 3.9 Advice on the preparation of the regional waste management strategy and its implementation will be provided by a Regional Technical Advisory Body (RTAB).
- 3.10 Local Development Documents: The policies and proposals in the core strategy should set out a planning strategy for waste management in line with the waste hierarchy and ensure adequate provision of facilities in appropriate locations including for waste disposal. It should both inform and in turn be informed by any relevant municipal waste management strategy. The core strategy should be for a period of at least ten years and should aim to look ahead to any longer-term time horizon that is set out in the relevant regional spatial strategy.
- 3.11 Waste planning authorities should identify suitable sites and locations for new waste management capacity to accommodate the additional facilities necessary to provide capacity for at least five years of the annual rate of waste to be managed required by the regional spatial strategy. Waste planning authorities should be able to demonstrate how capacity for at least ten years of the annual rate set out in the regional spatial strategy would be provided. Allocations, which have not been taken up, should be reviewed and updated as development plan documents are reviewed and rolled forward at least every five years.
- 3.12 Planning applications for sites and locations that have not been identified in a development plan document will need to be assessed against specific criteria that support the core strategy and are consistent with the objectives and policy in this PPS. Applicants should not generally be required to demonstrate a quantitative or market need for their proposal. However, in the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy.
- 3.13 Identifying sites and locations: Waste planning authorities should adopt the following search sequence:
- (i) look first to on-site management of the waste where it arises;
- then,
- (ii) industrial sites, looking for opportunities to co-locate facilities together and with complementary activities;
- and,
- (iii) give priority to the re-use of previously-developed land and also, in rural areas, redundant farm buildings and their curtilages, before greenfield sites.
- 3.14 Determining planning applications: The draft PPS gives advice on matters such as local environmental impacts, health and good design. In addition it

advises that in determining planning applications more generally, planning authorities should, where relevant, consider the likely impact of proposed, non waste related, development on existing waste management facilities, and sites and locations allocated for waste management. Where proposals would prejudice the implementation of the waste strategy in the development plan, consideration should be given to how they could be amended to make them acceptable or, where this is not practicable, to refusing planning permission.

3.15 Monitoring and Review: Effective monitoring and review is essential to securing sustainable waste management. The draft sets out guidance for indicators at the regional and local level.

3.16 Annexes: A number of Annexes are attached to the draft. These are:

Annex A:	Waste Planning Authority responsibilities
Annex B:	The Government's objectives for sustainable development
Annex C:	The waste hierarchy
Annex D:	Role and Composition of a Regional Technical Advisory Body

#### **4. Overview of the Draft Framework of Practice Guide**

4.1 It is envisaged that the practice guide will be organised in two parts – guidance on process and guidance on application of key terms, specific practice considerations and anticipated outputs. At this stage the draft comprises headings only of areas that could be covered.

4.2 Guidance on process: it is intended that this will cover process, sequence and responsibilities. Potential areas are common considerations for developing regional and local planning strategies for waste and determining planning applications.

4.3 Guidance on application of key terms, specific practice considerations and anticipated outputs: Guidance in this part will derive from Part 1 of the practice guide and PPS10. It is likely to be a series of explanatory notes. Each explanatory note will detail the following elements:

- The paragraph(s) in PPS10 to which the note applies;
- The issue dealt with by the explanatory note (generally a term or concept);
- The explanatory note itself (typically between one sentence and half a page in length. Shorter notes may simply refer the user to a source document where the necessary guidance can be found);
- Full references to sources quoted or cited in the explanatory note.

#### **5. Overview of Consultation Paper 1 Document A – Changes to Waste Management Decision Making Principles in Waste Strategy 2000**

5.1 In revising guidance for waste planning and waste management authorities Defra has reviewed the decision-making principles set out in Waste Strategy

2000 which underpin the current Planning Policy Guidance on waste (PPG10) and the Municipal Waste Management Strategies guidance.

- 5.2 The principal concerns that the changes seek to address relate to decision-making processes for determining the Best Practicable Environmental Option (BPEO) for waste management facilities. The BPEO, as defined by the Royal Commission on Environmental Pollution, is a procedure for determining the option that provides the most benefits or the least damage to the environment, as a whole, at acceptable cost, in the long term as well as the short term. The procedure is set out in Waste Strategy 2000. It is not specifically required by the European Waste Framework Directive. But it is a means of delivering some of the requirements of the Directive.
- 5.3 The way BPEO is set out in Waste Strategy 2000, conceptualised and put into operation is considered by many to be hindering effective delivery on the ground. Its scope and composition is not clearly set out in any collection of documents, allowing for interpretation at a local level. This is leading to confusion about how it should be applied, at what scale, what data should be included and at what cost. As it stands, it produces an outcome which is easy to criticise and hard to defend. This has led to significant delays in the planning process for waste management facilities, holding up the provision of the appropriate mix and capacity of waste infrastructure.
- 5.4 Waste Strategy 2000 and the revised waste planning guidance PPS10 both form part of the legal framework for decision-making on waste and must therefore be consistent with each other. As it is proposed that the process for determining BPEO in waste management planning be superseded by the Sustainability Appraisal and Strategic Environmental Assessment processes in the revised planning guidance PPS10, the approach set out in Waste Strategy 2000 requiring a separate BPEO should be removed to provide such consistency. The Government therefore proposes amending in Waste Strategy 2000 the sections on determining the BPEO. Working with stakeholders, the Government intends to develop practice guidance to support the delivery of PPS10. This practice guidance will provide specific support on the application of Sustainability Appraisal to the development of spatial planning strategies for sustainable waste management. Waste will thus be dealt with properly in the Sustainability Appraisal and unnecessary duplication will be avoided.
- 5.5 Other changes to Waste Strategy 2000 reflect the principles set out in PPS10; the requirement for Municipal Waste Management Strategies to be the subject of Strategic Environmental Assessment; and considerations at the individual waste facility level (predominantly relating to Environment Agency functions, but making it clear that BPEO would not be required at the individual waste facility level).
- 5.6 The consultation document then sets out proposed changes to the text of Waste Strategy 2000 to reflect the revised approach.

## 6. Consultation Questions

6.1 The Government has listed a number of questions on which it is particularly seeking views. Respondents should place a tick (✓) in the yes or no boxes to indicate general agreement or disagreement. The comment box is provided to reinforce the reasons for agreement or explain reasons for disagreement.

Question	Yes	Some reservations (please give details)	No
<p><b>Q1.</b> We consider positive planning has an important role in delivering sustainable waste management. We will provide practice guidance to help implement the planning policy for sustainable waste management set out in the draft PPS10. Read together, will the new policy and proposed practice guidance secure planning strategies that deliver sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time?</p>	✓	<p>Self sufficiency principle needs to have some recognition that waste is often a commercial commodity and there will be a time lag whilst the culture-shift for communities to take responsibility for their own waste comes into effect.</p>	
<p><b>Q1 Comment</b> Thoroughly support the concept that waste should be seen as resource and disposal as the last option.</p>			
<p><b>Q2.</b> The new PPS10 sets out a 'plan-led' approach to planning for sustainable waste management to deliver the objectives set out in paragraph 3. Planning strategies will be subject to sustainability appraisal and set within the expectation of community engagement set out in PPS1. This will replace the process previously subsumed in BPEO. Do you agree with this change?</p>	✓		
<p><b>Q2 Comment</b> Welcome the approach of not including a BPEO objective – this has been an unworkable principle and one that SA/SEA should address as it is much better placed to do so in the policy/plan-led framework.</p>			

Question	Yes	Some reservations (please give details)	No
<p><b>Q3.</b> The new PPS10 expects regional planning bodies to prepare regional spatial strategies which provide sufficient opportunities to meet the identified needs of their area for waste management. In turn, waste planning authorities are expected to prepare local development documents that reflect their contribution to delivering the regional spatial strategy. This replaces the free-standing principle of regional self-sufficiency set out in PPG10. Do you agree with this change?</p>		<p>Some concerns regarding the concept of regional apportionment, given the commercial nature of waste – equivalence of managing an areas own arisings allows for flexibility (which is what the EoE strategy recognises). Need to have much better data if this objective is to be achieved. Note that this is proposed in the consultation on waste data, but need to have a mechanism to ensure that smaller operators comply with submitting data.</p>	
<p><b>Q3 Comment</b></p> <p>Para 13 – <i>“Once the waste management strategy has been established in the regional spatial strategy and confirmed by the Secretary of State following public examination, it should be carried forward into local development documents and will inform the preparation and review of municipal waste management strategies. In preparing LDDs, there should be no need to reopen consideration of either its principles or the annual rates of waste to be managed.”</i> Consider this should take the same approach as Minerals planning where the “apportionment” is tested through the development framework process – given the competing demands for land and particular pressures on Green Belt, particularly in counties surrounding London, whilst WPAs should seek to meet this objective, there may be some difficulties in practice (or at least use it as a mechanism to identify where a more flexible approach to Green Belt is required). This may be of particular significance at the review stage, especially if identified sites have not been taken up (para 18).</p>			
<p><b>Q4.</b> It is proposed that regional and local planning strategies for sustainable waste management should be considered alongside other spatial planning concerns and integrate effectively with other strategies including municipal waste management strategies. Do you agree?</p>	✓		
<p><b>Q4 Comment</b></p>			

Question	Yes	Some reservations (please give details)	No
<p><b>Q5.</b> It is proposed that regional planning bodies should prepare a planning strategy for waste management that looks forward for a fifteen to twenty year period. This would be a key component of the regional spatial strategy, be formulated in conjunction with other spatial concerns and sit within the regional spatial strategy when issued in its final form by the Secretary of State.</p>			
<p><b>Q5a.</b> Do you agree that this strategy should include a distribution of waste tonnage requiring management by waste planning authority area for the waste sectors identified?</p>		<p>See comments relating to Q3. Also have some concerns that it removes the democracy of decision making about how/where waste should be managed at the local level in line with what should be broader strategic policy at the regional level. Implementation in accordance with para 9 (<i>The proposed apportionment to waste planning authorities within the region should reflect the opportunities for waste management available in those authorities, including for disposal of the residues of treated wastes. Regional planning bodies and waste planning authorities should work together to focus new capacity where opportunities are available.</i>) will be paramount.</p>	
<p><b>Q5b.</b> Do you agree that this strategy should include, where necessary, a pattern of waste facilities of national, regional or sub-regional significance?</p>	✓		
<p><b>Q5 Comment</b></p>			
<p><b>Q6.</b>We propose that waste planning authorities should identify in development plan documents suitable sites and locations for new waste management capacity.</p>			
<p><b>Q6a.</b> Do you agree that sufficient available and suitable sites should be shown on the proposals map to accommodate the additional facilities necessary to provide capacity for at least five years of the annual rate of waste to be managed required by the regional spatial strategy?</p>	✓		

Question	Yes	Some reservations (please give details)	No
<p><b>Q6b.</b> Do you agree that overall, through a combination of identified sites and areas suitable for additional waste management facilities, waste planning authorities should be able to demonstrate how capacity for at least ten years of the annual rate set out in the regional spatial strategy would be provided?</p>		<p>Will be dependent on suitability of data and refinement of forecasting techniques when looking that far to the future.</p>	
<p><b>Q6 Comment</b></p>			
<p><b>Q7.</b>We propose that in identifying sites and locations for new waste management capacity in development plan documents, waste planning authorities should adopt the search sequence set out in paragraph 21. Do you agree with the approach described?</p>		<p>In principle. Hertfordshire has recently commissioned development of a site selection process for its Waste Core Strategy. This will provide an opportunity to test these principles or establish if there are alternative approaches that offer a better/more realistic option.</p> <p>Whilst supporting the principle WPAs should look first to on-site management of the waste where it arises this would be dependent on district/boroughs implementing this objective in two-tier authorities.</p> <p>Need clearer guidance from Government regarding the re-use of previously developed land as to what uses should take priority, given the competing demands for it.</p>	
<p><b>Q7 Comment</b> Support the recognition that there may need to be waste management development in the Green Belt (penultimate bullet, para 3) .</p>			
<p><b>Q8.</b>We propose an approach to health considerations in paragraph 27 that is intended to deliver the appropriate contribution from the planning system to the regulatory framework that protects human health. Do you agree with the suggested approach?</p>	<p>✓</p>		

Question	Yes	Some reservations (please give details)	No
<b>Q8 Comment</b> This can be an emotive area. Additional advice on consultation with health authorities would be of benefit.			
<b>Q9.</b> We consider effective monitoring and review is essential to securing sustainable waste management. Do you agree that the expected annual monitoring should include the indicators set out in paragraph 33?	✓	Support the principle of waste being disposed of (or should this be “managed”?) as near as possible to the point of production. However, none of the proposed indicators would measure this, nor identify waste movement (origin and destination).	
<b>Q9 Comment</b>			
<b>Q10.</b> Do you consider the proposed scope of the practice guide (at Section 3) covers all the topics it needs to? If not what is missing, and why?		Guidance on targets and indicators for LDDs would be helpful	
<b>Q10 Comment</b>			
<b>Q11.</b> Does the proposed scope of the practice guide include topics, which don't need to be covered? If so which, and why?			✓
<b>Q11 Comment</b>			
<b>Q12.</b> The Partial RIA sets out the likely benefits and costs of PPS10. Do you agree with the assumptions made? If not, it would be helpful to set out why not and any quantifiable evidence available to you on benefits and costs.		No comment	
<b>Q12 Comment</b>			
<b>Q13.</b> Is the policy set out in PPS10 likely to disadvantage small businesses disproportionately?		No comment	
<b>Q13 Comment</b>			
<b>Q14.</b> The development of PPS10 is supported by an Environmental Report. The non-technical summary is included in this consultation document. Are the right impacts addressed? If not what is missing, and why?		SEA objectives should include the self sufficiency/proximity principle – manage waste as close as possible to point of origin and reduce need for transport	✓
<b>Q14 Comment</b>			

Question	Yes	Some reservations (please give details)	No
<b>Other comments</b>			
<p>For two tier authority areas there is a need to ensure that district councils fully recognise the implications of PPS10 in their local development frameworks as well as waste development frameworks – unclear whether this should be a done by overarching policies for all types of development within one framework, duplicate policies or continuing to maintain some differential in frameworks between the different tiers of planning.</p>			
<p>Para 20 - Accept the principle that applicants that should not generally be required to demonstrate a quantitative or market need for their proposal – but this should be tempered with such a requirement if the proposal is contrary to the development plan. At present need tends to be a significant factor in deciding whether facilities should be permitted in the Green Belt (although it is considered that the core strategy should have a Green Belt policy indicating where/when development in the Green Belt is acceptable in principle). Support the caveat with regards to disposal that it should not undermine the strategy of movement up the waste hierarchy.</p>			
<p>Paras 24 and 25 (<i>determining planning applications – impacts of non-waste related development on existing waste management facilities</i>) are particularly targeted at unitary and district authorities – they need to be very clear that this advice is given. Would like see clearer guidance on safeguarding (both in terms of safeguarding existing and identified sites themselves against competing uses and potential impacts of neighbouring uses/proposed other development uses that might then prejudice a site coming forward). It would be naïve to think that districts would automatically defer to proposals in the waste development framework unless it is explicit that they do so.</p>			
<p>Welcome the policy stance regarding good design.</p>			
<p>Practice Guide: Section 11 (p31) – <i>guidance on handling non-waste planning applications that affect the planning or waste strategy</i> – perhaps there should be a policy objective that gives greater clout to encourage districts to refuse planning permission where proposals affect the planning or waste strategy – to date there has not been an effective mechanism (see comments on safeguarding above).</p>			
<p>Similar advice on MWDFs to that included in draft MPS1 could usefully be included in PPS10.</p>			

## Conclusion

That the draft response set out in Section 6 of the report, together with any additions or amendments suggested by the Panel, be recommended to the Executive Member for submission to the ODPM and Defra.

### Background Papers

Consultation on Planning Policy Statement 10: Planning for Sustainable Waste Management. (ODPM), December 2004

Consultation Paper 1 Document A – Changes to Waste Management Decision Making Principles in Waste Strategy 2000 (Defra), December 2004

## Acronyms

BPEO	Best Practicable Environmental Option
Defra	Department for Environment, Food and Rural Affairs
DPD	Development Plan Documents
EoE	East of England
EU	European Union
LDD	Local Development Document
MWDF	Minerals and Waste Development Framework
MWDS	Minerals and Waste Development Scheme
ODPM	Office of the Deputy Prime Minister
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSS	Regional Spatial Strategy
RTAB	Regional Technical Advisory Body
WPA	Waste Planning Authority