



Guidance on Policies for Waste Management Planning

Land Use Consultants

May 2002

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CONTENTS

PREFACE	7
EXECUTIVE SUMMARY	9
Overall approach to planning and waste management	10
BPEO and its link to the waste hierarchy	10
Need for facilities	11
Proximity principle	11
Self-sufficiency	11
Protecting the environment	11
Green Belt	11
Site identification for waste management facilities	12
Development control considerations	12
CHAPTER 1	14
The purpose of the guidance	14
1.1 Why is guidance needed	14
1.2 The plan-led system for waste	14
1.6 How was the guidance prepared?	15
1.7 What does the guidance cover?	15
1.10 Who is the guidance aimed at?	18
CHAPTER 2	19
The waste management policy context	19
2.2 Sustainable development	19
2.6 Landfill Directive	20
2.11 Waste Strategy 2000	21
CHAPTER 3	23
Overall approach to planning and waste management	23
3.1 Policy context	23
3.3 Policy guidance	24
3.4 Policy checklist	24
Indicative policy example	24
Example 3.1: Overall approach	24
3.6 Comments	24

CHAPTER 4	26
BPEO and its link to the waste hierarchy	26
4.1 Background and policy context	26
4.8 Guidance on planning for sustainable waste management: A strategic options appraisal methodology	27
4.11 Interim guidance	27
 CHAPTER 5	 29
Need for facilities	29
5.1 Policy context	29
5.9 Policy guidance	30
5.10 Policy checklist	30
Indicative policy examples	31
Example 5.1: Need	31
Example 5.2: Need	31
5.13 Comments	31
 CHAPTER 6	 33
Proximity principle	33
6.1 Policy context	33
6.4 Policy guidance	34
6.6 Policy checklist	34
Indicative policy examples	34
Example 6.1: Managing waste close to source	34
Example 6.2: Managing waste close to source	34
6.8 Comments	34
 CHAPTER 7	 35
Self-sufficiency	35
7.1 Policy context	35
7.3 Policy guidance	35
7.7 Policy checklist	36
Indicative policy examples	36
Example 7.1: Self-sufficiency	36
Example 7.2: Cross boundary movements	36
7.8 Comments	36
 CHAPTER 8	 37
Protecting the environment	37
8.1 Policy context	37
8.6 Policy guidance	38
8.8 Policy checklist	38

	Indicative policy examples	39
	Example 8.1: Areas where development will not be permitted	39
	Example 8.2: Areas where development will be permitted	39
8.9	Comments	39
CHAPTER 9		41
	Green Belt	41
9.1	Policy context	41
9.4	Policy guidance	41
9.9	Policy checklist	42
	Indicative policy examples	43
	Example 9.1: Use of Green Belt land	43
9.10	Comments	43
	Example 9.2: Not inappropriate development	44
9.11	Comments	44
CHAPTER 10		45
	Site identification for waste management facilities	45
10.1	Policy context	45
10.4	Policy guidance	45
10.4	Site identification	45
10.9	Waste types	47
10.11	Policy checklist	48
	Indicative policy examples	48
	Example 10.1: Preferred locations	48
	Example 10.2: Safeguarding of land	49
	Example 10.3: Criteria for hybrid approach	49
10.12	Comments	49
CHAPTER 11		50
	Development control considerations	50
11.1	Policy context	50
11.4	Policy guidance	50
11.6	Policy checklist	51
	Indicative policy examples	51
	Example 11.1: General amenity considerations	51
	Example 11.2: Transport considerations	51
	Example 11.3: Water issues	52
	Example 11.4: Design considerations	52
11.8	Comments	52

CHAPTER 12	54
Other development considerations	54
12.1 Policy context	54
12.3 Packaging	54
12.6 Waste minimisation	55
12.8 Policy guidance	55
12.9 Provision of waste management facilities	55
12.13 Other development control considerations	56
12.18 Policy checklist	58
Indicative policy examples	58
Example 12.1: Provision of facilities with new development	58
12.19 Comments	58
Example 12.2: Planning obligations	58
12.20 Comments	59
Example 12.3: Re-use and recycling in construction	59
Example 12.4: Provision of temporary facilities	59
12.21 Comments	60
Example 12.5: Appropriate measures (waste audit)	60
12.22 Comments	60
 CHAPTER 13	 61
Related matters	61
13.3 Sustainability appraisal	61
13.11 Environmental impact assessment (EIA)	63
13.18 Consultation	64
13.19 Monitoring and review	64
 APPENDIX 1	 65
List of case study authorities	65

Preface

This good practice guide is the culmination of a research study commissioned by the Department of the Environment, Transport and the Regions (now the Department for Transport, Local Government and the Regions). Land Use Consultants (LUC) undertook the study. The majority of the work was completed by Jon Grantham, Philip Smith, Charlotte Goodwin and Iestyn John. The Consultants were assisted throughout the study by a Steering Group whose guidance and advice is gratefully acknowledged. The members of the Steering Group were:

Tom Simpson, (Chairman), Minerals and Waste Planning Division, DTLR
David Stritch, (Contract Manager), Minerals and Waste Planning Division, DTLR
Andrew Lipiński, (Secretary), Minerals and Waste Planning Division, DTLR
Gillian Neville, Waste Strategy Division, DEFRA
Geoff Gardner, Essex County Council and Planning Officers Society
Chris Saville, Environment Agency
Wayne Laramée, Environmental Services Association
John Prosser, Cleanaway Ltd

The research was made possible by the co-operation of many other people, especially the officers at the case study authorities. We would particularly like to thank all those who attended the consultation seminar to consider the draft guidance. All information and comments made have been gratefully received and have been taken into account in the preparation of this guidance. Every effort has been made to ensure that the views of consultees have been accurately reflected. However the guidance reflects the views of the study team and does not necessarily represent the views of the DTLR or any other parties involved.

NB. It should be noted that this guidance was prepared before the publication in December 2001 of DTLR's Planning Green Paper *Planning: Delivering a Fundamental Change* and does not therefore take account of the changes it proposes for the development plans system.

Executive Summary

1. This guidance is intended to assist waste planning authorities in preparing development plans. International and national waste policy has evolved at a rapid rate in recent years, and it is important that waste development plans reflect the changes that have occurred. It is equally important to distinguish between those aspects of waste management planning which are most appropriately dealt with at the regional level, and those dealt with by individual waste planning authorities. Also, the Town and Country Planning Act 1990 requires development control decisions to accord with the development plan unless material considerations indicate otherwise. As emphasised in Planning Policy Guidance Note 12 *Development Plans* (PPG 12), this 'plan-led' system can only be successful and command public confidence if plans are in place and kept up to date.
2. Planning Policy Guidance Note 10 *Planning and Waste Management* (PPG 10) states that development plans for waste should provide a clear guide for the waste industry and to the public on the land use policies of the waste planning authority for managing waste in its area. It is the function of the plans to balance environmental protection with satisfying the needs and demands of society for effective and efficient waste management. The actual content and wording of land use planning policies is a matter for the waste planning authority, and the guidance has been prepared to assist with this process.
3. Waste development plans should not contain policies on matters other than the development and use of land. Also, policies should not duplicate provisions in other legislative regimes, notably pollution control. The responsibility for this resides with the Environment Agency through the waste management licensing system (ie the Integrated Pollution Prevention and Control regime). The relationship between the planning system and waste management licensing is explained in paragraphs 19 – 23 of PPG 10. However, it is central to the Government's overall objectives that development plans have regard to wider sustainable development objectives.
4. The guidance is the product of a research study commissioned by the Department of the Environment, Transport and the Regions (now Department for Transport, Local Government and the Regions) in 2000. The study involved the following:
 - review of the international, national and regional policy context to identify those aspects of waste policy which should be addressed in land use plans
 - consultations with waste planning authorities, the Planning Inspectorate and the waste industry
 - analysis of a sample of 20 recent waste development plans to ascertain the current scope of policy coverage and to identify where additional guidance is required

- preparation of draft guidance
- testing of the guidance through a consultative seminar with prospective users of the guidance.

OVERALL APPROACH TO PLANNING AND WASTE MANAGEMENT

5. The strategic policy or policies should provide the framework for the provision of waste management facilities to meet the needs of society, based on the following considerations:
 - BPEO and its link to the waste hierarchy
 - Need
 - Proximity principle
 - Regional self sufficiency
 - Environmental protection
 - Site selection
6. For each topic, there is a summary of the relevant policy context and the related land use planning issues. This is followed by guidance on the issues to be addressed in policy. Where relevant, the latter includes indicative examples of good practice, derived from the sample of waste development plans reviewed as part of the research. Each example is accompanied by a commentary explaining the aspects of good practice illustrated by the policy. It is a matter for individual waste planning authorities to determine which components of waste policy should be covered in Structure Plans and Part I of UDPs, and which should be covered in waste local plans and Part II of UDPs, based on the advice in PPG 10. A summary of the recommended policy coverage is provided below.

BPEO AND ITS LINK TO THE WASTE HIERARCHY

7. To assist the application of BPEO through the planning process, the DTLR also commissioned research in 1999 on 'planning for sustainable waste management'. The overall aim of the research was defined in the following terms:

'to identify best practice for use by Regional Technical Advisory Bodies (RTABs) and waste planning authorities in identifying and assessing factors to be taken into account in deciding on sustainable waste planning options, having regard to the legislative and policy context for waste planning'.
8. This research will culminate in further Guidance, which will seek to build on the BPEO procedure and to address its shortcomings. Consequently no further policy guidance on BPEO is included in this document. PPG 10 already requires that BPEO assessment should be carried out for each waste stream at the strategic level. When a waste planning authority is considering appropriate locations for waste management facilities for inclusion in their waste development plans, the overall assessment of locations should be addressed

against the findings of the strategic level BPEO assessment. However PPG 10 does not require nor suggest that each location should have its own individual BPEO assessment.

NEED FOR FACILITIES

9. The policies should refer to:
- The necessity to demonstrate the need for a waste development which outweighs any harm that may result and is consistent with other land use planning objectives
 - the other land use planning objectives

PROXIMITY PRINCIPLE

10. The policies should refer to:
- proximity between source and management of waste
 - the need to take the available transport network into account when assessing proposals.

The policy justification should identify the principal sources of waste production and the preferred means and routes for transport.

SELF-SUFFICIENCY

11. The policies should refer to:
- the objective of securing self-sufficiency at an appropriate geographical scale
 - integration between waste sources, waste management facilities and the existing and proposed transport network.

PROTECTING THE ENVIRONMENT

12. The policies should refer to:
- areas where development would generally be acceptable, including the criteria used to determine acceptability
 - areas where development would generally be unacceptable unless there is an overriding need
 - the environmental matters to be taken into account when determining all waste development proposals.

GREEN BELT

13. The policies should refer to:

- the objectives of the Green Belt
- the 'very special circumstances' in which waste development would be acceptable
- the 'other considerations' to be taken into account
- the types of waste development which would be acceptable.

SITE IDENTIFICATION FOR WASTE MANAGEMENT FACILITIES

14. (This is a combination of criteria based policies and site-specific allocations).

The policies should refer to :

- the preferred locations for different types of waste management facility (where it is not practicable to identify the full range of sites likely to be required, waste planning authorities could consider adopting a 'hybrid strategy', combining specific site allocations with areas of search)
- safeguarding sites for waste management facilities
- the fact that proposals for sites which have not been identified as preferred sites will not be considered appropriate unless it can be demonstrated that the site is consistent with the waste management strategy
- the priority given to the restoration of derelict or contaminated sites as part of a waste development
- the criteria against which a site will be assessed if a hybrid approach is adopted
- any specific land use requirements for managing particular types of waste.

DEVELOPMENT CONTROL CONSIDERATIONS

15. The policies should refer to:

- the factors to take into account when considering the planning merits of a scheme, including what is likely to be acceptable in planning terms.

16. It is also important to ensure that policies dealing with development control matters do not repeat, or indeed contradict, policies addressing other issues, notably environmental protection. The policies should refer to:

- the provision of waste management facilities related to particular development types
- the use of planning obligations
- the promotion of re-use and recycling
- the provision of temporary facilities

- the specific measures required, or to be taken into account, by the waste planning authority in reaching a decision.
17. Overall, this guidance does not attempt to standardise waste development plans by recommending model policies. Each plan area is geographically unique, with differing constraints and opportunities. It is important, therefore, that plans retain sufficient flexibility such that they can respond to local issues. The policy examples in the guidance have been included with this in mind, the intention being to illustrate how concepts might be translated into policy.
 18. The guidance is intended primarily to assist waste planning authorities in the preparation of waste development plans. It should also be of assistance to the Government Offices and DTLR in their role of scrutinising plans, and to waste operators seeking to obtain planning permission for waste development projects. In providing an explanation of waste management and the planning system, the guidance should also be of use to the general public and other bodies with a relevant interest. It should be noted however that it does not take into account the changes to the development plans system proposed in the Planning Green Paper *Planning: Delivering a Fundamental Change*, published in December 2001.

CHAPTER 1

The Purpose of the Guidance

Why is guidance needed?

- 1.1 This guidance is intended to assist waste planning authorities in preparing land-use development plans for waste management. International and national waste policy has evolved at a rapid rate in recent years, and it is important that waste development plans reflect the changes that have occurred. It is equally important to distinguish between those aspects of waste management planning which are most appropriately dealt with at the regional level, and those dealt with by individual waste planning authorities. Also, the Town and Country Planning Act 1990 requires development control decisions to accord with the development plan unless material considerations indicate otherwise. As emphasised in Planning Policy Guidance Note 12 *Development Plans* (PPG 12), this 'plan-led' system can only be successful and command public confidence if plans are in place and kept up to date.

The Plan-Led System for Waste

- 1.2 Planning Policy Guidance Note 1 *General Policy and Principles* (PPG 1) sets out the purpose of the planning system and the role of development plans:

'The planning system regulates the development and use of land in the public interest. The system as a whole, and the preparation of development plans in particular, is the most effective way of reconciling the demand for development and the protection of the environment. Thus it has a key role to play in contributing to the Government's strategy for sustainable development by helping to provide for necessary development in locations which do not compromise the ability of future generations to meet their needs'

- 1.3 The Town and Country Planning Act 1990 (the '1990 Act') requires development control decisions to accord with the development plan unless material considerations indicate otherwise. This is known as the 'plan-led' system. Waste planning authorities are required, in formulating the policies in their development plans, to have regard to national and regional planning guidance, as well as various other policy documents which are material to planning policy.
- 1.4 Planning Policy Guidance Note 10 *Planning and Waste Management* (PPG 10) states that development plans for waste should provide a clear guide for the waste industry and to the public on the land use policies of the waste planning authority for managing waste in its area. It is the function of the plans to balance environmental protection with satisfying the needs and demands of society for effective and efficient waste management. The actual

content and wording of land use planning policies is a matter for the waste planning authority. This guidance has been prepared to assist with this process.

- 1.5 Waste development plans should not contain policies on matters other than the development and use of land. Also, policies should not duplicate provisions in other legislative regimes, notably pollution control. The responsibility for this resides with the Environment Agency through the waste management licensing system. The relationship between the planning system and waste management licensing is explained in paragraphs 19 – 23 of PPG 10. However, it is central to the Government's overall objectives that development plans have regard to wider sustainable development objectives (see Chapter 2).

How was the guidance prepared?

- 1.6 This guidance is the product of a research study commissioned by the Department of the Environment, Transport and the Regions in 2000. The study was undertaken by Land Use Consultants, and involved the following:
- review of the international, national and regional policy context to identify those aspects of waste policy which should be addressed in land use plans
 - consultations with waste planning authorities, the Planning Inspectorate and the waste industry
 - analysis of a sample of 20 recent waste development plans¹ to ascertain the current scope of policy coverage and to identify where additional guidance is required
 - preparation of draft guidance
 - testing of the guidance through a consultative seminar with prospective users of the guidance.

What does the guidance cover?

- 1.7 The guidance addresses those aspects of waste policy that should be covered in land use plans. The policies should be based on the spatial strategies developed by waste planning authorities through regional planning guidance. It covers the following topics, which were identified through consultation with the various parties involved in planning for waste management.
- Overall approach to planning and waste management
 - BPEO

¹ The sample comprised plans at various stages of preparation including deposit drafts, post-inquiry modifications and adopted plans. The plans are listed in Appendix 1. The sample was derived from a long list supplied by the DTLR, based on its records on the progress of preparation. The intention was to achieve a reasonable geographical spread within the sample, while ensuring coverage of waste local plans, unitary development plans, unitary authority local plans and National Park plans. A further consideration was to focus on plans that are reasonably up to date, thereby ensuring coverage of some of the recent policy objectives.

- Need for facilities
- Proximity principle
- Self-sufficiency
- Protecting the environment
- Green Belt
- Site identification for waste management facilities
- Development control considerations
- Other development considerations
- Related matters

1.8 For each topic, there is a summary of the relevant policy context and the related land use planning issues. This is followed by guidance on the issues to be addressed in policy. Where relevant, the latter includes indicative examples of good practice, derived from the sample of waste development plans reviewed as part of the research. Each example is accompanied by a commentary explaining the aspects of good practice illustrated by the policy. It is a matter for individual waste planning authorities to determine which components of waste policy should be covered in Structure Plans and Part I of UDPs, and which should be covered in waste local plans and Part II of UDPs, based on the advice in PPG 10. To avoid confusion, the term 'waste development plan' is used throughout this document and it includes any relevant statutory plan. In December 2001 the Government published its proposals for reform of the development plan system in its Green Paper *Planning: Delivering a Fundamental Change*. The principles set out in this good practice document should apply equally well to waste development plans prepared under the present system and any modifications that may be made in legislation to follow up these proposals.

1.9 **The guidance does not attempt to standardise waste development plans by recommending model policies.** Each plan area is geographically unique, with differing constraints and opportunities. It is important, therefore, that plans retain sufficient flexibility such that they can respond to local issues. The policy examples in the guidance have been included with this in mind, the intention being to illustrate how concepts might be translated into policy. They are based on examples drawn from the sample of waste development plans reviewed as part of the research. It is also useful to take into account the guidance on writing effective policies prepared by the Planning Officers Society (POS)². In particular, the good practice pointers (in the POS Guidance) are endorsed, as summarised below.

² Better Local Plans. A Guide to Writing Effective Policies (1997) Planning Officers Society.

Table 1 Good Practice Pointers from the Planning Officers Society

Good Practice Pointer	Reason
Ensure policies are clear and precise and use simple and concise sentences and statements.	The use of clear and concise sentences should minimise ambiguity in the interpretation of policy.
Ensure policy will make a meaningful contribution to planning decisions.	A policy is only useful if it relates to a legitimate planning issue regarding the use of land or change of use. If it does not, the policy is probably seeking to address an issue beyond the scope of a development plan.
Make sure that every policy covers a land use planning issue of local importance.	Although policies are in part based on national and regional planning guidance, they must be relevant to a local area. It is not sufficient for a policy just to restate national policy, it must be applicable to local circumstances.
Consider setting out criteria as part of a policy where this will contribute to clarity.	Criteria help to clarify the circumstances in which appraisal would or would not be acceptable, thereby helping to avoid planning applications which are unlikely to be acceptable in terms of location, scale, design, etc.
Frame policies positively where there is a choice (but never do this to a restrictive policy).	Planning should be positive, steering development to locations where it is likely to help in achieving the objectives of the development plan.
Distinguish clearly between policy and reasoned justification.	Policies should be clearly and unambiguously expressed, with sufficient precision to enable them readily to be implemented and performance measured. The reasoned justification should explain the reasons behind a policy to all those concerned with development issues. The reasoned justification should not contain policies and proposals that will be used in themselves for taking decisions on planning applications. The distinction between policy and justification should be clear.
Explain how policies that obviously conflict should be weighted.	There will be circumstances where policies conflict, for example development in areas covered by protective designations on account of their environmental value. A policy should make clear the circumstances in which a proposal that might conflict with the principal objective of the policy would be acceptable (eg when development would be acceptable in a protected landscape area).
Make sure every policy is capable of implementation or impact within the plan period.	All plans have a prescribed time horizon (usually ten years). All policies should be capable of implementation within this period otherwise there is no reason for including them.
Ensure that the objective(s) behind the plan and each policy is set out.	It must be clear to all parties involved why a policy is included in a plan. This is achieved by ensuring that the link between a policy and an objective(s) of the plan is transparent.
Ensure policy conforms with PPG advice or fully justifies an alternative approach.	PPGs set out the Government's national policy guidance on planning, and waste development plans should accord with this. In the event that a policy does not conform to policy guidance, the reasons must be fully explained and justified.
Ensure policy has full regard to the broader framework for the area.	Planning policy does not operate in a vacuum. There are likely to be numerous other policies applicable in an area, whether they relate to economic regeneration, social inclusion, tourism, agriculture, etc. Policies for waste management must relate to this broader framework, otherwise there is a potential danger that one policy initiative will cancel out another.
Consider making use of SPG to elaborate upon policy in the plan.	SPG can supplement and elaborate on other specific policies in a waste development plan, although it should not introduce additional policy. In the case of waste, which is a 'county matter', Supplementary Planning Guidance (SPG) could be used to assist the lower tier authority in the implementation of waste-related policies (eg reuse of construction and demolition waste).

Who is the Guidance aimed at?

- 1.10 This guidance is intended primarily to assist waste planning authorities in the preparation of waste development plans. It should also be of assistance to the Government Offices and DTLR in their role of scrutinising plans, and to waste operators seeking to obtain planning permission for waste development projects. In providing an explanation of waste management and the planning system, the guidance should also be of use to the general public and other bodies with a relevant interest.

CHAPTER 2

The Waste Management Policy Context

- 2.1 Concern over the growing amount of waste produced by society has prompted a number of important policy initiatives by Government. Tackling the waste problem is seen as a crucial part of the strategy to deliver sustainable development. This Chapter provides a summary of the policy context, starting with sustainable development. This is followed by a brief description of the principal aspects of the Government's policy towards waste management, as set out in Waste Strategy 2000³.

SUSTAINABLE DEVELOPMENT

- 2.2 Sustainable development has become a cornerstone of Government policy in the UK, since its conception at the Rio Summit of 1992. The *UK Strategy for Sustainable Development – a better quality of life* (1999) is currently the most definitive statement of policy on this subject issued by the Government. Together with the UK Biodiversity Action Plan, the Climate Change Programme and the Sustainable Forestry Programme, it is a direct response to the Rio Summit (1992) and the EC Fifth Environmental Action Programme.
- 2.3 The Strategy indicates that sustainable development means meeting four objectives at the same time:
- Social progress which meets the needs of everyone
 - Effective protection of the environment
 - Prudent use of natural resources
 - Maintenance of high and stable levels of economic growth and employment.
- 2.4 Sustainable waste management has a high profile within the Strategy. The Strategy includes a set of 'headline indicators', intended to focus attention on what sustainable development means, and to give a broad view of whether we are achieving a '*better quality of life for everyone, now and for future generations to come*'. Waste management and arisings is one of the headline indicators, on the basis that '*tackling waste is important if we are to achieve the improved resource efficiency essential for sustainable development*'.
- 2.5 The Strategy also outlines the Government's integrated approach to managing the environment and resources. It notes the need to consider impacts on air, land and water and '*ensure that solving one problem does not create another*'. It indicates that Integrated

³ Waste Strategy 2000 for England and Wales. May 2000.

Pollution Control (IPC) and Integrated Pollution Prevention and Control (IPPC) are based on this approach. It recognises that *'the idea of the Best Practicable Environmental Option (BPEO), originally recommended by the Royal Commission on Environmental Pollution and introduced by the Government, can help identify options'*.

LANDFILL DIRECTIVE

- 2.6 It is now generally accepted that we as a society cannot continue to rely on landfill as the principal means of waste disposal, as we have done in the past. Not only does landfill prevent value being recovered from waste, but it is also a major source of methane, a powerful greenhouse gas. Furthermore, the void space for landfill is running out in some parts of the country.
- 2.7 The Landfill Directive (Directive 1999/31/EC) requires that:
- Member States establish strategies for the reduction of biodegradable waste in order to meet Directive targets
 - the cost of landfill is covered by disposal charges levied against users
 - procedures should be implemented to cover the closure and after-care of landfill sites
 - existing landfills should either conform to the terms of the Directive or be closed down.
- 2.8 The Directive sets targets requiring a staged reduction in the amount of biodegradable waste going to landfill, so that by 2020 the volume of waste is reduced to 35% of the 1995 amount. Currently, about 85% of municipal waste is landfilled in England.
- 2.9 The Directive also requires that each landfill site be given one of the following classifications:
- landfill for hazardous waste
 - landfill for non-hazardous waste
 - landfill for inert waste.
- 2.10 Article 8(b) of the Directive requires landfill projects to accord with the policies contained in the relevant waste management plan. Annex I of the Directive sets out general requirements for all classes of landfill including broad locational considerations. These are:
- the distances from the boundary of the site to residential and recreation areas, waterways, water bodies and other agricultural or urban sites
 - the existence of groundwater, coastal water or nature protection zones in the area
 - the geological and hydrogeological conditions in the area
 - the risk of flooding, subsidence, landslides or avalanches on the site
 - the protection of the nature or cultural patrimony in the area.

WASTE STRATEGY 2000

- 2.11 The objectives of the EC Framework Directive on Waste and the Landfill Directive are incorporated in Waste Strategy 2000. Waste Strategy 2000 sets out the Government's current policy on waste management. Fundamental to the strategy is the need to curb the growth in the quantity of waste produced. Where waste is created it must be recognised as a resource and value should be recovered from it.
- 2.12 The Government wishes to see future waste management decisions based on the consideration of the Best Practicable Environmental Option (BPEO) for each waste stream. In determining the BPEO, consideration should be given to:
- the waste hierarchy
 - the proximity principle
 - self-sufficiency.
- 2.13 The Royal Commission on Environmental Pollution (RCEP) in 1976 first identified the potential for conflict between pollution control mechanisms based on single environmental media (air, land and water). The Commission therefore recommended that a single and unified pollution control agency should be established to ensure that the overall 'best practicable environmental option' (BPEO) for all environmental media was achieved.
- 2.14 In 1988 the Commission produced the following definition of BPEO:
- 'The outcome of a systematic consultative and decision-making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes for a given set of objectives, 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 in the short term.'*
- 2.15 In 1990 the Environmental Protection Act enshrined the concept of BPEO as the cornerstone of integrated pollution control (IPC). For processes that are likely to release substances to more than one medium, the Act sets the objective that 'best available technology not entailing excessive cost' (BATNEEC) should be used 'for minimising the pollution that may be caused to the environment taken as a whole, having regard to BPEO'.
- 2.16 Current Government guidance provided in Waste Strategy 2000 puts the concept of BPEO at the heart of the waste management decision-making process. The strategy adopts the Royal Commission's definition of BPEO and suggests that:
- 'When considering the BPEO, decision makers need to have regard to international obligations (such as the biodegradable municipal waste diversion targets in the Landfill Directive), the national policy framework as set out in this strategy (including the waste hierarchy), and policy guidance at regional and local level. The concept of BPEO means that local environmental, social and economic preferences will be important in any decision. These may well result in different BPEOs for the same waste in different areas, or even different BPEOs for the same type of waste in the same area but at different times (for example, when the economy is growing or in recession).'*

- 2.17 The DTLR has commissioned separate research into the integration of BPEO into the planning system, as explained in more detail in Chapter 4 and intends to complement this Guidance with further good practice Guidance on that subject.
- 2.18 The principle of **self-sufficiency** requires that most waste should be treated or disposed of within the region in which it is produced. It should not be exported from the UK for disposal. Each region should provide for facilities with sufficient capacity to manage the expected quantity of waste to be dealt within that area for at least 10 years. In some cases however it may be necessary to recognise units smaller than regions but larger than waste planning authorities. Waste planning authorities should make adequate provision in their development plans for any waste management facilities that may be needed, taking account of the advice of the Regional Planning Body for their area.
- 2.19 The **waste hierarchy** is described in Waste Strategy 2000 as a '*conceptual framework that acts as a guide to the options that should be considered when assessing BPEO*'. The hierarchy suggests that the most effective environmental solution may often be to reduce the generation of waste (ie reduction). Where further reduction is not practicable, products can sometimes be used again (re-use). Failing that, value should be recovered from the waste, through recycling, composting or energy recovery. Only if none of the above offers an appropriate solution, or leaves residues incapable of further treatment or beneficial use, should waste disposal to landfill be considered as an option.
- 2.20 The **proximity principle** implies that waste should generally be managed as near as possible to its place of production, mainly because transporting waste has a significant environmental impact. As outlined in Waste Strategy 2000, the proximity principle can make the link between the waste hierarchy and BPEO. Where the BPEO for a particular waste stream is an option towards the lower end of the hierarchy, such as incineration or landfill, this can often be because the environmental impact or cost of transport to a distant reprocessing facility outweighs the benefit of recovering value from the waste.
- 2.21 The proximity principle places a responsibility on the producers of waste to take responsibility for the waste produced. This is because the waste should be dealt with 'on the doorstep' as opposed to exporting the problem somewhere else.
- 2.22 Waste Strategy 2000 recognises that local authorities have a key role to play in delivering more sustainable waste management, through amongst other things, their responsibility for land use planning and the control of development.

CHAPTER 3

Overall Approach to Planning and Waste Management

Policy Context

- 3.1 The Government's overall approach to planning and waste management is set out in PPG 10. With regard to waste, the land use planning system should meet the following objectives:
- a. *to provide a planning framework which enables adequate provision to be made for waste management facilities to meet the needs of society for the re-use, recovery and disposal of waste, taking account of the potential for waste minimisation and the particular needs in respect of special waste⁴;*
 - b. *to encourage sensitive waste management practices in order to preserve or enhance the overall quality of the environment and avoid risks to human health;*
 - c. *to have regard to the need to protect areas of designated landscape and nature conservation value from inappropriate development;*
 - d. *to minimise adverse environmental impacts resulting from the handling, processing, transport and disposal of waste;*
 - e. *to consider what new facilities may be needed, in the light of wastes forecast to arise; and,*
 - f. *to ensure that opportunities for incorporating waste reduction or re-use/recycling facilities in new developments are properly considered.*
- 3.2 The waste hierarchy is central to the Government's approach to planning for waste management, as set out in Waste Strategy 2000. The challenge this throws down is to deliver better use of natural resources, through waste reduction, re-use, recycling, composting and energy recovery. It is also the policy of Government, in accordance with the Landfill Directive, to reduce the volume of waste being landfilled because this practice represents a waste of valuable materials.

⁴ As defined in Regulation 2 of the Special Waste Regulations (1996).

Policy Guidance

- 3.3 A development plan for waste is the means by which the objectives for waste management are translated into planning policy. Waste development plans should explain at the outset how the waste planning authority intends to meet these objectives. This should be expressed as overarching strategic policy at the start of the plan.

POLICY CHECKLIST

- 3.4 The strategic policy or policies should provide the framework for the provision of waste management facilities to meet the needs of society, based on the following considerations:
- BPEO and its link to the waste hierarchy
 - Need
 - Proximity principle
 - Regional self sufficiency
 - Environmental protection
 - Site selection
- 3.5 These topics are addressed in detail in subsequent chapters of the guidance. The example below is intended to illustrate the wording for a general policy aimed at establishing the strategic framework for a waste development plan, based on the waste hierarchy.

INDICATIVE POLICY EXAMPLE

Example 3.1: Overall approach

The waste planning authority will grant planning permission for waste development provided they are satisfied that the proposed development is consistent with the relevant policies for the development plans for the area (including the waste local plan) and with the hierarchy of waste management options, in which option (i) is the most preferred and option (iv) is the least preferred:

(i) the reduction of waste;

(ii) the re-use of waste;

(iii) the recovery of waste (recycling, composting, energy from waste);

(iv) waste disposal to landfill

COMMENTS

- 3.6 The policy is phrased in positive terms, making clear that proposals which accord with the relevant development plans and the hierarchy of waste management will be permitted. It is also important to reiterate that all proposals will be judged against the requirements of all

policies in a plan, even where they are towards the top of the hierarchy. The justification for the policy should explain the waste hierarchy and its applicability to the plan area.

CHAPTER 4

BPEO and its link to the Waste Hierarchy

Background and Policy Context

- 4.1 The thrust of Government policy is to ensure that, when considering waste management options, decision-makers in all sectors seek to ensure protection of the environment and to further sustainable development. PPG 10 for example, indicates that Regional Planning Guidance and Waste Local Plans should include policies that represent the 'best balance of social, environmental and economic costs and benefits'.
- 4.2 Environmental costs and benefits, in this context, cover not only the global issues such as resource depletion and emissions to air, land and water, but also local concerns about loss of amenity through for example the noise, dust and visual impact that can be associated with waste management operations. These are important considerations for land use planning.
- 4.3 As outlined in Chapter 2, Waste Strategy 2000 puts the concept of BPEO at the heart of the waste management decision-making process. However, the strategy adopts the Royal Commission's definition of the concept, which was designed originally for use in the environmental protection field – rather than land use planning. The definition does not take account of local environmental effects, as well as social and economic issues.
- 4.4 Despite this, PPG 10 endorses the court judgement⁵ that BPEO is a concept to which local planning authorities should have regard as a material planning consideration. The importance or weight attached to a BPEO assessment in the planning process, however, is a matter for local authorities to decide. This approach has been confirmed in cases heard subsequent to the publication of PPG 10⁶.
- 4.5 Whilst PPG 10 and the court judgements help to define the place of BPEO in the planning process, they do not explain how BPEO assessments should be undertaken and under what circumstances weight should be attached to them. In the absence of any guidance, there is wide variation in the way BPEO may be applied to land use planning.

⁵ See, for example, the case concerning an application for an incinerator in Bolton (R.v Bolton Metropolitan Council, ex parte Kirkman, Queens Bench Division, Carnwath J, December 19, 1997) (Court of Appeal, Auld and Schiemann LJ, May 5, 1998). The case is reported in the Journal of Planning and Environmental Law, August 1998 pp787-809

⁶ See, for example, R v Leicestershire County Council ex parte Blackfordby and Booththorpe Action Group and R v Derbyshire County Council ex parte Murray (High Court, Queen's Bench Division, 6 October 2000)

- 4.6 A small number of authorities have developed their own BPEO 'type' methodologies, which involve testing waste planning options against a range of environmental, social and economic criteria. Such approaches are intended to inform the overall strategy of a plan, rather than affect development control decisions. This reflects the view that it is difficult to demonstrate BPEO on a case by case basis, because of, amongst other things, uncertainties about the source of waste.
- 4.7 Most authorities include reference to BPEO in their waste development plan. In some cases the reference forms part of the overall objectives of the plan, while in others the consideration of BPEO is included in a policy – which is often linked with the waste hierarchy, on the basis that the two concepts are directly linked. It is difficult to implement such policies, however, because of difficulties of assessing BPEO on a case by case basis.

GUIDANCE ON PLANNING FOR SUSTAINABLE WASTE MANAGEMENT: A STRATEGIC OPTIONS APPRAISAL METHODOLOGY

- 4.8 To assist the application of BPEO through the planning process, the DTLR commissioned research in 1999 on 'planning for sustainable waste management'. The overall aim of the research was defined in the following terms:

'to identify best practice for use by Regional Technical Advisory Bodies (RTABs) and waste planning authorities in identifying and assessing factors to be taken into account in deciding on sustainable waste planning options, having regard to the legislative and policy context for waste planning'.

- 4.9 The research will culminate in further good practice guidance, which will seek to build on the BPEO procedure and to address its shortcomings when applied to planning for waste management. It will identify the key issues that need to be addressed by planners, including local environmental effects, socio-economic concerns, and factors affecting the implementation of waste management strategies. With the prospect of major new investment in waste facilities, it is important that these factors are taken into account.
- 4.10 This forthcoming Guidance will also recommend a decision-making process that takes account of multiple and often conflicting objectives. This includes a methodology designed to help decision-makers decide what is important in their region/area, which then defines the parameters of the appraisal process.

Interim Guidance

- 4.11 With the help of the forthcoming guidance on planning for sustainable waste management, the next generation of RPG, and the RTABs' outputs in the intervening period, should help to inform the preparation of waste development plans. PPG 10 says that this should include guidance on the number and capacity of the different types of waste management facilities required, and their broad locations.
- 4.12 When considering planning applications supported by BPEO assessments, WPAs should take account of the following key issues:

- Due to the origin of the BPEO concept in the environmental protection field, the scope of BPEO assessments is often confined to releases to the environment. In the land use planning context, the findings of BPEO assessments need to be set alongside consideration of local environmental effects, as well as social and economic issues.
- If weight is attached to a BPEO assessment, it should be very carefully considered, because the parameters of (and inputs to) assessments are defined by the proponents of a scheme or strategy.

4.13 PPG 10 already requires that BPEO assessment should be carried out for each waste stream at the strategic, ie, generally the regional, level. When a waste planning authority is considering appropriate locations for waste management facilities for inclusion in its waste development plan, the locations should be assessed against the findings of the strategic level BPEO assessment. This should suggest the range and numbers of facilities required, for which preferably, sites should be allocated in waste development plans. Taken in total, the allocations made by waste planning authorities within a region in their development plans should meet the regional requirements for waste management capacity of various types identified through the strategic level BPEO assessment. PPG 10 does not require nor suggest that each location should have its own individual BPEO assessment.

CHAPTER 5

Need For Facilities

Policy Context

- 5.1 It is one of the functions of the planning system to ensure that adequate provision is made for waste management facilities to meet the needs of society. The need for any particular waste development proposal can be judged in relation to relevant current Government policy guidance and the provisions of the development plan. Waste management facilities are likely to be contentious and may be contrary to established planning policy (for example if located outside urban areas). The balance of 'need' with 'harm' is a necessary consideration and 'need' therefore requires definition.
- 5.2 A waste management strategy should address the needs of society for the management or disposal of waste within the appropriate plan area. Both the timing of the strategy in relation to the waste development plan, and the process by which the strategy is prepared are important. PPG 10 offers some guidance on the question of timing. It is expected that the RTABs should assemble relevant data and provide advice to the regional planning bodies on options and strategies for dealing with the waste that needs to be managed within each region. Planning Policy Guidance Note 11 *Regional Planning* (PPG 11) states that the Government is seeking to strengthen planning for waste management at the regional level and notes that the RTABs have an important role to play in the formulation of regional guidance. Thereafter it is for the waste planning authorities, either individually or collectively, to interpret regional waste planning policy at the sub-regional level.
- 5.3 Waste planning policy would then provide the framework for the formulation of waste management strategies. The Environment Agency has prepared (and will periodically update) Strategic Waste Management Assessments for each region. These identify the level of waste arisings and existing waste management capacity. Any gap between capacity and a realistic forecast of future waste levels is the starting point for assessing need for new facilities.
- 5.4 The definition of need is an important consideration for waste development because it is one of the principal factors against which proposed schemes are judged. It is for the waste planning authority to define need, taking into account:
- Government policy, notably targets for landfill diversion, recycling etc
 - advice from the RTAB
 - the waste management strategy
 - the Environment Agency's Strategic Waste Management Assessments

- significant planning and environmental constraints.
- 5.5 A waste development plan should then define need in terms of the waste management facilities required and the preferred spatial distribution. The spatial distribution of facilities will reflect the existing and proposed pattern of population (i.e. the sources of waste) and the availability of suitable sites (see Chapter 10). The definition of need should also reflect any constraints imposed by the presence of areas of special environmental value. These are most commonly expressed in terms of national planning and environmental designations, but may also include areas or features that are locally important.
- 5.6 The crucial element in the definition of need is an up to date waste development plan. A major difficulty arises when there is no up to date plan because then there is no framework within which to assess need. In this case any proposal has to be judged on the basis of the planning merits of the site, although an ad-hoc assessment of need will be required. This should take account of any waste management strategy and the Strategic Waste Management Assessment prepared by the Environment Agency.
- 5.7 Section 54A of the 1990 Act requires development control decisions to accord with the development plan unless material considerations indicate otherwise. It is for the applicant to demonstrate that a particular facility accords with the development plan, hence the importance of an up-to-date development plan based on a clear indication of the waste management facilities required and the preferred spatial distribution.
- 5.8 The issue of whether there should be a requirement to justify need for a waste management development has been addressed in some detail at public inquiries into waste development plans. The general approach advocated by Inspectors is that a clear assessment of need is central to waste management planning. The are two reasons for this:
- Waste development plans should provide for an adequate network of waste management facilities. This means a network that provides for the equivalent of waste arising in the plan area, together with any agreed imports/exports. If waste management development was permitted in excess of local needs thus defined, it could encourage the import of waste over longer distances, contrary to the proximity principle, and discourage the development of local options closer to the point of origin of the waste. Conversely, under provision in relation to realistic forecasts of waste arisings obliges waste to be exported to facilities in other areas.
 - Nearly all waste management development, especially larger facilities, has some adverse environmental effect, and in such cases it is reasonable to require that a need be demonstrated which outweighs any harm that may result.

Policy Guidance

- 5.9 Waste development plans should achieve a balance between providing an adequate network of waste management facilities, and meeting other land use policies and objectives.

POLICY CHECKLIST

- 5.10 The policy should refer to:

- The necessity to demonstrate the need for a waste development which outweighs any harm that may result and is consistent with other land use planning objectives
 - the other land use planning objectives
- 5.11 Obviously it is not necessary to include the detail of the other land use planning objectives in the policy because these will be addressed by other policies in the plan. The assessment of a proposed waste management facility in the context of policies in a plan should take into account both the sensitivity of the site and the importance of the waste management facility to the implementation of the waste development plan and the overall waste management strategy. Key strategic facilities may demonstrate a strong case of need that overrides locally important issues and concerns. Conversely, a facility meeting only a local need but located in a nationally designated area is unlikely to be permitted.
- 5.12 The supporting justification should include an explanation of how need is defined in the waste development plan. This should include any targets and an explanation of how these will be met, including reference to the spatial distribution of facilities. The justification should also make it clear how need will be assessed in the absence of an up to date waste management strategy.

INDICATIVE POLICY EXAMPLES

Example 5.1: Need

Permission will be granted for waste development provided the waste planning authority is satisfied that:

- *there is a clearly established need for the development assessed in relation to other policies in the plan which outweighs any adverse environmental or other impacts that the development would be likely to cause; and*
- *the development would not be likely to give rise to an unacceptable level of adverse environmental impact, pollution risk or danger to public health, and measures would be taken to ensure that any such impacts would be minimised.*

Example 5.2: Need

Waste management facilities will be permitted provided that there is a clearly established need for additional capacity and facilities of the kind proposed. 'Need' is defined as a requirement for facilities to deal with the waste produced in [the WPA area] which outweighs any material agricultural, landscape, conservation or environmental interest affected by the proposal. Applications which would not meet the environmental and planning standards contained in other policies of the development plan, including those related to quality of design, will not be permitted.

COMMENTS

- 5.13 The two example policies represent good practice because they:
- seek to define 'need' (assuming the written justification and supporting text define the waste management facilities required, based on the waste management strategy)

- refer to the requirement to weigh proposals against other land use planning objectives (assuming the written justification and supporting text explains how the weighting process will be undertaken)
- states that need must outweigh any other interests affected by the proposal, i.e. aims to achieve a balance between need and other planning objectives.

GOOD PRACTICE EXAMPLE

EAST SUSSEX AND BRIGHTON & HOVE WASTE LOCAL PLAN

The East Sussex and Brighton & Hove Waste Local Plan First Deposit November 2000 is based on relevant European, national, regional and local policy. It also takes into account the Waste Strategy adopted jointly by the County Council and Brighton and Hove Council in June 1998, while noting that aspects of the strategy have been superseded by more recent policy.

The Plan explains the basis of the strategy for dealing with waste in some detail, based on assumptions about projected arisings, timing of facilities and capacity of facilities, and scenarios aimed at meeting Government targets. This approach resulted in a strategy whereby a large proportion of the Plan area's waste will need to be managed by new, strategically placed facilities. The Plan allocates sites for these 'strategic' facilities and stipulates criteria for their development. Accordingly the Plan provides a clear and well-reasoned definition of need.

CHAPTER 6

Proximity Principle

Policy Context

6.1 The proximity principle seeks to ensure that waste should generally be managed as near as possible to its place of production. It is one of the key principles of waste management and it is justified on the following grounds:

- it acknowledges that the transportation of waste can give rise to significant environmental impacts (while noting that different modes of transport will have differing impacts)
- it encourages all those who create waste to take more responsibility for its management
- it may assist the local economy through employment generated by waste management facilities
- overall costs are likely to be lower.

6.2 As outlined in Waste Strategy 2000, the proximity principle can make the link between the waste hierarchy and BPEO. Where the BPEO for a particular waste stream is an option towards the lower end of the hierarchy, this can often be because the environmental impact or cost of transport to a distant reprocessing facility further up the hierarchy outweighs the benefit of recovering the waste. The concept of BPEO when applied to waste management also means that local environmental, social and economic preferences will be important in any decision. So, for example, the adverse environmental, social and economic impacts associated with an extension to a local landfill may, when aggregated, be less than those associated with transporting waste to the nearest waste recovery facility. Factors to take into account in making such a judgement might include:

- traffic generation, energy use and pollution
- local employment
- environmental enhancement associated with landfill restoration.

6.3 The relationship between waste management facilities and the transport network (road, rail and water) is a significant factor affecting the implementation of the proximity principle. While the overall objective is to locate facilities as close as practicable to identified sources of waste, it will not always be possible to find suitable sites nearby. For example, city centres generate large volumes of waste but often land is at a premium and more likely to

be developed for higher value uses. The ease with which waste can be transported from such areas will therefore influence the siting of facilities.

Policy Guidance

- 6.4 PPG 10 states that waste should generally be managed as near as possible to its place of production. The principal sources of waste production are urban areas, where availability of suitable land and amenity considerations can limit the choice of sites for waste management facilities. A key consideration in the implementation of the proximity principle is the relationship between an existing or proposed waste development and the transport network. Treating waste at source wherever possible is the most effective way to implement the proximity principle.
- 6.5 Implementation of the proximity principle is dependent upon the integration of a number of policy strands, especially transport and constraints on development (eg Green Belt, environmental protection). Policies should encourage proximity and reduce the distance between source and treatment.

POLICY CHECKLIST

- 6.6 The policy should refer to:
- proximity between source and management of waste
 - the need to take the available transport network into account when assessing proposals.
- 6.7 The policy justification should identify the principal sources of waste production and the preferred means and routes for transport.

INDICATIVE POLICY EXAMPLES

Example 6.1: Managing waste close to source

Proposals for waste management facilities will be permitted if they deal with the waste as close as possible to its source and minimise travel distances, traffic generation, waste generation and pollution.

Example 6.2: Managing waste close to source

The Waste Planning Authority will permit waste management developments that deal with waste as near as possible to where it is generated, subject to environmental, social, economic and transport considerations that are appropriate to the waste management facilities and processes proposed.

COMMENTS

- 6.8 The examples put the proximity principle succinctly into policy form. They also indicate the issues attached to the principle (i.e. environmental, social, economic and transport), acknowledging their effect on the location decision. Neither policy makes a specific reference to BPEO, although any departure from the proximity principle would have to be justified on this basis (see Chapter 4).

CHAPTER 7

Self-sufficiency

Policy Context

- 7.1 PPG 10 refers to the concept of regional self-sufficiency, whereby most waste should be treated or disposed of within the region where it is produced. Each region should provide for facilities with sufficient capacity to manage the expected quantity of waste arising for at least 10 years. The RTABs have a key role to play in the implementation of self-sufficiency through the provision of information about existing waste management facilities and the volumes of waste to be managed. The emerging waste management strategies will identify the levels of provision required for managing waste. This will be a material consideration when considering any waste development proposal.
- 7.2 It is also stated in PPG 10 that in some cases it may be necessary to recognise units smaller than regions but larger than an individual waste planning authority when addressing self sufficiency - that is sub-regions.

Policy Guidance

- 7.3 Strategies to achieve regional self-sufficiency should be formulated at the regional level by the regional planning body, based on technical advice from the RTAB. At a sub-regional level it is a matter for waste planning authorities to come together at an appropriate geographical scale.
- 7.4 At the level of an individual waste planning authority, the task is to make the provision for waste management which is necessary for the authority to fulfil its regional commitments. This may mean that some authorities will remain net importers of waste, and others net exporters. However, this does not rule out policies that seek to promote self-sufficiency at the local level.

GOOD PRACTICE EXAMPLE

LANCASHIRE COUNTY COUNCIL

Lancashire County Council has sub-divided the county into five areas, the intention being to achieve self-sufficiency at this level as far as practicable. The waste local plan notes that large-scale recycling within each area will be essential if recycling levels are to achieve Government targets. Each sub-area roughly corresponds with the operational areas for managing municipal waste within the County. The plan includes policies which aim to ensure that the network of facilities required is put in place.

- 7.5 Policies for self-sufficiency can be framed in either positive or negative terms. The former involves making provision for new facilities which would mean that less waste has to be exported across boundaries. Conversely, the latter involves restricting new waste management proposals, explicitly recognising that this would involve cross boundary movements of waste. The preference is to plan positively for the provision of appropriate new facilities as part of the regional strategy aimed at self-sufficiency.
- 7.6 A related important consideration is the provision made in general development plans for development that would generate additional waste (i.e. waste sources). Although beyond the scope of waste development plans, the location of new development is a key factor influencing proximity and self-sufficiency. This issue is considered in more detail in Chapter 11 of this guidance document.

POLICY CHECKLIST

- 7.7 The policies should refer to:
- the objective of securing self-sufficiency at an appropriate geographical scale
 - integration between waste sources, waste management facilities and the existing and proposed transport network.

INDICATIVE POLICY EXAMPLES

Example 7.1: Self-sufficiency

The WPA considers that the authority should be self-sufficient in managing its own waste, other than that requiring specialised provision of a sub-regional or regional nature. Facilities which contribute to providing an integrated and adequate network of waste management facilities will be permitted in appropriate locations.

Example 7.2: Cross boundary movements

Proposals for waste management facilities which would involve movements across waste planning authority boundaries will only be permitted where the development is in accordance with regional self-sufficiency.

COMMENTS

- 7.8 Example 7.1 is a clearly worded policy in that it plans positively for the provision of appropriate new facilities. It also focuses on the waste planning authority area as the most appropriate geographical scale for achieving self-sufficiency. This may not be appropriate in every case given that the overall aim of policy is regional self-sufficiency. The geographical specificity of policies should reflect the regional arrangements which have been agreed and put in place.
- 7.9 Example 7.2 seeks to permit development that is in accordance with regional self-sufficiency, the implication being that any waste development which would result in cross-regional movement of waste, where a suitable regional alternative is practicable, should not be permitted. This policy wording could equally be applied at a sub-regional level.

CHAPTER 8

Protecting the Environment

Policy Context

- 8.1 The 1990 Act states that development plans should include policies in respect of the conservation of the natural beauty and amenity of land and the improvement of the physical environment. A considerable body of legislation and planning guidance exists to protect the environment and this needs to be reflected in the formulation of planning policies. PPG 12 lists the environmental considerations for development plans. These are wide-ranging and include energy conservation, air quality, countryside character, conservation of wildlife habitats, cultural heritage, coastal protection and water resources. It is one of the functions of development plans to ensure that the environment is protected from harm caused by development, and policies are included accordingly.
- 8.2 Waste management facilities tend to generate opposition because of the characteristics of processing activities and the movement of materials to such sites. Noise, traffic and air pollution are common concerns. The waste development plan should clearly set out the environmental considerations that will be taken into account when determining waste management proposals. For ease of reference, it is probably best to group these policies together in the plan. It is not the purpose of a waste development plan to include policies addressing issues more appropriately dealt with through the environmental protection system (ie pollution control) and waste management licensing system.
- 8.3 PPG 10 states that in achieving sustainable waste management, the planning system should meet the following objectives:
- to encourage sensitive waste management practices in order to preserve or enhance the overall quality of the environment and avoid risks to human health
 - to have regard to the need to protect areas of designated landscape and nature conservation value from inappropriate development
 - to minimise adverse environmental impacts resulting from the handling, processing, transport and disposal of waste.
- 8.4 There is pressure for new waste development in both urban and rural areas. For larger facilities, such as energy from waste plants, the opportunities for development in established urban areas might be limited because of the shortage of land and competition from other, often higher value uses (eg housing on brownfield sites). Thus the focus of attention may shift to the countryside around towns and rural areas beyond, if, for example, insufficient ex-industrial land is available. The Rural White Paper⁷ of 2000 indicates a new approach

⁷ Our countryside: the future. A fair deal for rural England. Cm 4909

to the way the countryside is protected. The White Paper states that planning decisions should consider the overall value of the land, including quality of landscapes, wildlife and habitats, recreational amenity and historic and cultural heritage. Agricultural land quality should be treated only as one factor. This differs from the earlier policy to protect best and most versatile farmland as a national resource.

- 8.5 The relationship between land use planning and environmental protection is a perennial topic for discussion with respect to waste management. Although it is not necessary to address this issue in a policy, the waste development plan should reiterate the need to prevent duplication of control between planning and environmental protection. The purpose of the planning system is to control and regulate the use of land. The purpose of the environmental protection system is to prevent or minimise the effects of pollution on the environment. The latter is operated by the Environment Agency through the issuing of waste management licences and enforcement of any conditions it imposes.

Policy Guidance

- 8.6 In general terms, policies should either identify those areas where waste development would be unacceptable because of the sensitive nature of the receiving environment (usually nationally or locally designated areas, although the Rural White Paper makes reference to the countryside character approach as an additional way of valuing the countryside and identifying those areas which should be protected⁸), or conversely, areas where development would be acceptable subject to the normal development control considerations. Overarching environmental protection policies should be supported by a policy or series of policies which aim to protect sensitive environmental receptors from the impacts of a waste development. The relevant planning considerations are set out in Annex A 'Planning Considerations and Planning Conditions' of PPG 10.
- 8.7 Environmental protection is also a key consideration in the selection of specific sites for different types of waste development. For example, it is usual for environmental constraints to be used in the site/area selection process. Guidance on this issue is given in Chapter 10.

POLICY CHECKLIST

- 8.8 The policies should refer to:
- areas where development would generally be acceptable, including the criteria used to determine acceptability
 - areas where development would generally be unacceptable unless there is an overriding need
 - the environmental matters to be taken into account when determining all waste development proposals.

⁸ English Nature, the Countryside Agency and English Heritage have collaborated in developing the countryside character approach, based on the 159 English character areas. The Countryside Agency will publish shortly revised landscape character assessment guidance.

INDICATIVE POLICY EXAMPLES**Example 8.1: Areas where development will not be permitted**

Applications for planning permission for waste development in the following areas will not be granted except when the development would not prejudice the purpose of the designation and where there is an overriding need for the development:

- i) National Parks and Areas of Outstanding Natural Beauty*
- ii) National Nature Reserves, SSSIs, Special Protection Areas, Special Areas of Conservation and Wetlands of International Importance (Ramsar Sites);*
- iii) Scheduled Ancient Monuments and their settings*
- iv) Conservation Areas and Listed Buildings and their settings.*

Example 8.2: Areas where development will be permitted

Proposals for waste management facilities will be permitted provided that:

- a) The siting and scale of the development is appropriate to the location of the proposal, and*
- b) The proposed method and scheme of working would minimise the impact of the proposal, and*
- c) There would not be an unacceptable adverse environmental impact, and*
- d) There would not be an unacceptable adverse cumulative impact on the local area, and*
- e) The landscaping and screening has been designed to effectively mitigate the impact of the proposal, and*
- f) Where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed after-use, and*
- g) The proposed transport links are adequate to serve the development, and*
- h) Other environmental and amenity safeguards would effectively mitigate the impact of the proposal*

COMMENTS:

- 8.9 Example 8.1 gives clear guidance, and details exactly the types of area where development would not be permitted. It also includes reference to overriding need (see Chapter 5). Example 8.2 is wide-ranging and identifies the criteria that will need to be met if an application is to be permitted. It is couched in positive terms and includes reference to areas where development would be acceptable and the environmental matters to be taken into consideration.
- 8.10 The policy examples quoted are both very general, seeking to cover all types of waste management facility. In certain circumstances it may be helpful for a waste development plan to provide more specific policy guidance, either in relation to a particularly sensitive location or a particular type of waste management facility. The example from Cornwall

below illustrates this point with respect to landscape and visual impact issues associated with proposed energy from waste plants.

GOOD PRACTICE EXAMPLE

CORNWALL WASTE LOCAL PLAN

The Cornwall Waste Local Plan identifies an area of search for an Energy from Waste (EfW) plant with an annual capacity of around 150,000 to 200,000 tonnes. The County Council has undertaken a brief study to guide developers in the consideration of the landscape and visual impact of an EfW plant. This is included as an annexe to the plan and it indicates the type of information about landscape and visual impacts to be submitted with a planning application, or to be included in an environmental statement, as follows:

- the existing landscape
- statutory policies relevant to the site including national, regional and local landscape designations
- landscape classification and sensitivity, including any landscape character assessments available
- key visual receptors and their sensitivity
- assessment of impacts on visual amenity based on the zone of visual influence
- mitigation of landscape and visual impact.

The proposed wording for policies in the Waste Local Plan addressing the landscape and visual impact of energy from waste plants and design issues is as follows:

Policy L6A

Applications for an EfW plant should fully address and quantify any landscape and visual effects and demonstrate that proposals will not adversely impact on the special character of Cornwall's landscape or cause significant adverse impact on the visual amenity of local residents or recreational users.

Planning permission will not be granted for EfW proposals which would:

- put at risk landscape features such as ancient woodland, historic parkland or any hedgerows or trees of landscape or nature conservation importance;
- cause loss of important local landscapes;
- be incompatible with local landscape character in terms of location, scale, building design or choice of planting;
- cause light pollution of surrounding rural landscapes
- cause significant impact on the visual amenity of local residents or recreational users.

Policy L6B

The design, siting and external appearance of proposals shall complement its landscape setting and use materials and colours appropriate to the location in which the plant is located. Landscaping as an integral part of the overall development of the site is required. High quality design will be required and innovative design will be sought in appropriate locations.

CHAPTER 9

Green Belt

Policy Context

- 9.1 Planning Policy Guidance Note 2 *Green Belts* (PPG 2) sets out the five purposes of including land in the Green Belt and provides guidance on what is not '*inappropriate development*' within the areas designated. It also addresses specifically the principles applicable to sites where there is already major development, and the reuse of existing buildings in the Green Belt.
- 9.2 There is a general presumption against inappropriate development because it is deemed harmful to the Green Belt. PPG 2 states that:

'It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'

- 9.3 PPG 2 provides guidance on what is considered to be appropriate development, and reference should be made to these provisions when considering proposals. Where any large-scale development or redevelopment occurs in the Green Belt, it should contribute to the achievement of the objectives for the use of land in Green Belts so far as is possible. These objectives are listed in paragraph 1.6 of PPG 2. Waste development plans should make clear the waste planning authority's intended approach.

Policy Guidance

- 9.4 There is evidence from previous DTLR research to suggest that the existence of Green Belts within close proximity of major cities is a significant constraint on the development of waste management facilities which require built structures⁹. Many current plans contain policies which set out a presumption against development in the Green Belt for the re-use, recovery, recycling and storage of waste unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. This presumption, while consistent with national planning policy guidance, creates two related difficulties when planning for waste management:

- in towns and cities which are encircled by a Green Belt it is difficult to find sites in close proximity to the source of waste
- in areas experiencing considerable development pressure, development land which is available is subject to a number of competing land uses.

⁹ See for example 'Controlling the Environmental Effects of Recycled and Secondary Aggregates Production' Research Report. October 1999.

- 9.5 There are two basic routes open to the waste planning authority for addressing these difficulties. Firstly, if during the preparation of a waste development plan the need for waste development in the Green Belt is identified, the local plan process could be used to justify removal of the site from the Green Belt. The acceptability of removal could be tested through the local plan process. If acceptable sites are identified, these could be removed from the Green Belt. The merits or otherwise of removal of sites from the Green Belt for waste disposal purposes would be then considered at any inquiry into the draft waste development plan.
- 9.6 The second route for WPAs is for waste development plans to set out the types of waste development which are not inappropriate in the Green Belt, in accordance with guidance in PPG 2. The countryside around towns will often be the preferred location for waste management development. In some instances, such land may be designated as Green Belt. The Government's commitment to maintaining the openness of the Green Belt means that when seeking to locate waste management facilities, non-Green Belt alternatives should be investigated first. However, there may be circumstances where a Green Belt location is the most sustainable of the available options, notably where the proposed development would:
- be consistent with the proximity principle ensuring management facilities are as close as possible to the source of waste; or
 - utilise land already used for waste management; or
 - utilise previously developed land; or
 - involve the reuse of existing buildings; or
 - result in the infilling or redevelopment of a major developed site in the Green Belt identified in an adopted development plan.
- 9.7 It is for the applicant to demonstrate that a proposal is consistent with a policy dealing with development that is not inappropriate in the Green Belt. In the event that waste development is considered inappropriate against the waste plan policy criteria, the applicant still has the option of demonstrating why permission should nevertheless be granted, as set out in PPG 2. Very special circumstances to justify inappropriate waste development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations.
- 9.8 Three recent waste development applications in the Green Belt which have been determined are summarised in the table below. The examples provide an illustration of what might constitute very special circumstances.

POLICY CHECKLIST

- 9.9 The policies should refer to:
- the objectives of the Green Belt
 - the 'very special circumstances' in which waste development might be acceptable

Table 2 Examples of Very Special Circumstances in the Green Belt

Authority	Proposal (Date)	Very Special Circumstances
Thurrock	Extension to a recycling centre located in a quarry in the Green Belt. Extension required to enable the centre to operate efficiently. (1999)	It was deemed that the extra activity while not prominent, would reduce the openness of the Green Belt and would therefore be inappropriate development. The extension was approved on the basis that very special circumstances existed: <ul style="list-style-type: none"> • Government policy supports recycling • The site was already a mineral working • No suitable alternative site exists
Knowsley	Construction of a green waste composting plant (comprising a building and hardstanding) in a landscape contractor's depot. (2000)	Although inappropriate development in the Green Belt, the very special circumstances were defined as: <ul style="list-style-type: none"> • Little impact on openness • Some enhancement of the local landscape • Accords with the proximity principle • Clearly defined need for the facility • Absence of alternative sites
Bedfordshire	Concrete recycling plant in a partly filled mineral void (2000).	County Council argued that the facility did not need to be in the Green Belt. The Inspector disagreed noting: <ul style="list-style-type: none"> • That the site was previously developed, so there would be no further encroachment on the Green Belt • No suitable sites in urban areas were available • Clearly defined need for the facility • Contribution to sustainable development.

- the 'other considerations' to be taken into account
- the types of waste development which would be acceptable.

INDICATIVE POLICY EXAMPLES

Example 9.1: Use of Green Belt land

The use of land in the Green Belt for the re-use, recovery, recycling and storage of waste will be permitted provided it does not conflict with the purposes of including land in the Green Belt. The construction of new buildings in the Green Belt will be permitted in very special circumstances, including consistency with waste policy and the availability of suitable alternative sites.

COMMENTS

- 9.10 Example 9.1 is worded in positive terms, giving the circumstances in which waste development in the Green Belt may be permitted. It is concise and the meaning is clear. The justification for using a policy worded in this way would have to include an explanation of the review of alternative sites undertaken as part of the plan preparation process. This could be undertaken and presented in the form of a 'sequential test', whereby all possible sites outside the Green Belt are discounted before those in the Green Belt are considered. The absence of information about the relative planning merits of alternatives would undermine the policy in that there would be no basis upon which to compare sites.

Example 9.2: Not inappropriate development

Waste management development which would conflict with the purposes of including land in the Green Belt and which would not maintain openness is inappropriate except where

- a) *it is consistent with the proximity principle ensuring management facilities are as close as possible to the source of waste*
- b) *it involves landfilling in order to restore mineral workings to a high environmental standard and facilitate an after-use appropriate to a Green Belt location; or*
- c) *it provides for waste recycling and treatment facilities associated with landfilling to secure the restoration of mineral workings where:*
 - i) *the facilities are for a temporary period and not exceeding the life of the restoration of mineral working and*
 - ii) *they produce materials for the infilling and restoration of the site and*
 - iii) *they do not delay restoration and maintain high environmental standards; or*
- d) *it involves the deposit of inert waste where it is essential for the purposes of improving land to facilitate an after-use appropriate to the Green Belt where:*
 - i) *the quantity involved is the minimum requisite for the purpose and*
 - ii) *high environmental standards are maintained and*
 - iii) *the land is well restored; or*
- e) *it involves the re-use of buildings where this does not have a materially greater impact than the present use of the building on the openness of the Green Belt and the purposes of including land within it; or*
- f) *it involves other operations or the making of a material change of use of land which maintain openness and do not conflict with the purposes of including land in the Green Belt; or*
- g) *no suitable sites outside the Green Belt are available.*

COMMENTS

- 9.11 Example 9.2 is more prescriptive than example 9.1 in terms of what is meant by appropriate development. Although this is helpful in that it indicates the types of waste development which would be acceptable for different types of waste management process, the result is a much longer policy.

CHAPTER 10

Site Identification For Waste Management Facilities

Policy Context

- 10.1 Local plans should provide a positive lead for development and help create certainty, both for developers and the local community. PPG 12 emphasises that by identifying sites for development, planning authorities can demonstrate how in a positive way the vision and strategy in the plan will be implemented in practical terms. Positive guidance of this sort is particularly important with respect to development proposals that are likely to be controversial, such as waste development.
- 10.2 To ensure that an adequate planning framework is in place for the provision of facilities by the waste management industry, PPG 10 states that:
- 'identification of specific sites for development is the best way that the planning system can make provision for future waste management facilities.'*
- 10.3 PPG 10 refers to 'waste management and disposal facilities', indicating that waste development plans should identify sites for the full range of facilities required.

Policy Guidance

SITE IDENTIFICATION

- 10.4 One of the objectives of preparing a waste development plan should be to identify specific sites for the full range of waste management facilities. In practice to date, many waste planning authorities have not gone as far as identifying sites, relying instead on a criteria-based approach. The criteria-based approach has been criticised when examined at local plan inquiries because:
- it fails to meet the objectives of the plan-led system because not enough guidance is given on the preferred locations for different types of waste management facility
 - it fails to secure full public involvement in the site selection process.
- 10.5 Waste planning authorities should undertake a site selection process to identify and promote preferred sites for waste development as part of the plan preparation process. The criteria used for selecting sites should be transparent and based on robust planning

principles. It is for the waste planning authority to decide how specific to be in terms of matching identified sites to different types of waste management facility. In doing so, it is important to retain sufficient flexibility to accommodate future developments in waste management technology.

GOOD PRACTICE EXAMPLE

GLOUCESTERSHIRE WASTE LOCAL PLAN DEPOSIT DRAFT

The County Council compiled a series of information sheets about the different waste management options (eg MRFs, Inert recovery and Recycling, etc). Each sheet provides basic information on the:

- Various waste management options
- Categories of waste that may be dealt with
- Land use requirements (area, facilities, etc)

The site selection exercise was undertaken in partnership with the district councils to identify sites for each option. Two main areas of search were used. These were defined on the basis of the proximity principle, and accordingly were centred on the two main centres of population in the county (i.e. Cheltenham-Gloucester and Stroud). The following criteria were used to identify preferred sites:

- Relative proximity to existing urban areas
- Use derelict/despoiled land
- Avoid greenfield sites unless already allocated for B2/B8 employment use
- Sufficient space available to accommodate a facility, allowing for room for expansion
- Access to different modes of transport
- Consistent with extant local plans

The preferred sites, which are not process specific, are included in the local plan in the form of a schedule. Schedule 1 comprises "Strategic Sites" (i.e. one large enough to accommodate a waste management facility with a capacity to process more than 50,000 tonnes of waste per annum). Schedule 2 comprises "Other" sites. These are smaller than strategic sites.

The schedules contain the following information:

- Basic site details (name, location, area, existing operations, site history)
- Constraints (access, environmental, proximity to dwellings)
- Site specific criteria for development

- 10.6 Waste development plans are required to clearly signal the intention to reduce the reliance on landfill and landraising as the principal means of waste disposal. The approach mirrors that in Waste Strategy 2000 whereby the availability of landfill void is progressively reduced, and alternative means of waste management encouraged. Plans should be able to demonstrate how this will be achieved.
- 10.7 It remains the case however, that landfill will continue to be required for residual wastes to allow for the fact that implementing waste management options higher up the waste hierarchy will take some time, and to provide for some other waste for which it may still represent the BPEO. Sites should be identified accordingly, based on making optimum use of suitable void space and safeguarding land for future disposal. Landfilling also creates an opportunity to restore former mineral workings, and areas of derelict or contaminated land. The opportunity for securing such restoration in association with landfill should be a major determinant in identifying sites.
- 10.8 Where it is not practicable to identify the full range of sites likely to be required, waste planning authorities could consider adopting a 'hybrid strategy'. This is a combination of criteria based policies and site-specific allocations. For certain individual waste streams, it may be appropriate for the policies to set out the criteria which should be met if a development is to be permitted. However, sites for major new waste management installations should still be made explicit. The main justification for a hybrid approach would be that the level of environmental information available to justify the identification of individual sites is not available. Even in this case, it should be possible to identify preferred areas of search for waste facilities.

GOOD PRACTICE EXAMPLE

CORNWALL WASTE LOCAL PLAN

The Cornwall Waste Local Plan represents a hybrid between criteria based policies and site-specific allocations. For most individual waste streams the policies set out the criteria which should be met for a development to be permitted. The exception is energy from waste, which is one of the principal elements of the County's waste planning strategy. The County has identified a range of key locational factors which restrict the availability of sites. It has also embarked on preparing guidance on landscape and visual impacts associated with energy from waste plants (see Chapter 8).

WASTE TYPES

- 10.9 Waste development plans should provide for sufficient sites to manage the different types of waste that arise within the waste planning authority area and for imported waste. These may include:
- municipal waste
 - business (or commercial and industrial) waste
 - agricultural waste

- construction and demolition waste
- special waste
- hazardous waste
- clinical waste
- waste water and sewage sludge
- liquid wastes and dredgings
- scrapyards
- nuclear and radioactive waste
- contaminated land waste.

10.10 The number of sites required will depend upon the volumes of waste produced and existing levels of provision of facilities.

POLICY CHECKLIST

10.11 The policies should refer to:

- the preferred locations for different types of waste management facility
- safeguarding sites for waste management facilities
- the fact that proposals for sites which have not been identified as preferred sites will not be considered appropriate unless it can be demonstrated that the site is consistent with the waste management strategy
- the priority given to the restoration of derelict or contaminated sites as part of a waste development
- the criteria against which a site will be assessed if a hybrid approach is adopted
- any specific land use requirements for managing particular types of waste.

INDICATIVE POLICY EXAMPLES

Example 10.1: Preferred locations

Waste management facilities at the preferred locations will be permitted where it can be demonstrated that the type of facility does not cause unacceptable environmental effects and is an essential part of a sustainable waste management system for the waste planning authority.

Example 10.2: Safeguarding of land

Land with potential for waste management in the future will be safeguarded at sites 'x', 'y' and 'z'. Other forms of development at these sites will not be permitted because the loss of the site would compromise the waste management strategy for the WPA.

Example 10.3: Criteria for hybrid approach

Proposals for new or extensions to existing waste management facilities within the defined area of search will be permitted on sites which:

- *have ready access to the primary road network, or a rail or water link, avoiding as far as possible, major residential areas*
- *are allocated for development*
- *are derelict or contaminated land*
- *are within or adjacent to compatible land use such as MRFs, waste storage depots, open storage, sewage works and mineral processing plant.*

COMMENTS

- 10.12 Examples 10.1 and 10.2 are dependent upon the identification and allocation of preferred sites for different types of waste management facilities. The policy justification should explain how the sites have been identified, and the particular site considerations to be taken into account at each location. As with the Gloucestershire example, supporting information of this sort may be included in accompanying schedules. This approach would avoid overloading the justification text with too much detail about individual sites. Maps showing the location and extent of each site should also be included in the plan.
- 10.13 A policy addressing safeguarding is important because the overall objectives for waste management, in the medium and longer term in particular, would be compromised if sites are lost to other forms of development. To be robust, such a policy must be based on a clear explanation of the contribution of the site to the achievement of the strategy, and the implications should it be lost to other forms of development. Again, maps showing the location and extent of each site should also be included in the plan.
- 10.14 Example 10.3 sets out the criteria which should be met if a development is to be permitted. The reasons why a hybrid approach has been adopted must be made clear in the plan, with a positive indication as to how any shortcomings will be overcome to ensure that specific sites can be allocated in the future (eg the programme to obtain any missing environmental information). Example 10.3 presupposes that an area of search has been identified for waste development. Where a hybrid approach is adopted, it is strongly advised that areas of search for specific waste developments should be identified to avoid abortive work by applicants and development control staff.

CHAPTER 11

Development Control Considerations

Policy Context

- 11.1 Different waste management facilities give rise to varying environmental benefits and disbenefits. Annex A of PPG 10 includes a list of factors that planning authorities should consider when allocating sites for waste-related development. This supplements the general advice in Planning Policy Guidance Note 1 *General Policy and Principles* (PPG 1) and DOE Circular 11/95 *The Use of Conditions in Planning Permissions*.
- 11.2 The planning system should make adequate provision for waste management facilities in appropriate locations, without undue adverse effects. Proposals should be assessed in terms of what would be an acceptable use of the land in question, taking into account only those factors relevant to planning. PPG 1 states that '*...material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned. Much will depend on the nature of the application under consideration, the relevant policies in the development plan and the surrounding circumstances*'.
- 11.3 No definition of material consideration is given in legislation and consequently the courts have clarified the scope of what can be regarded as material in a range of judgements over the years. All the fundamental factors involved in land use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and structures, and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure. In addition, other factors such as health hazards and even fears reasonably held, of adverse effects on the wellbeing of communities and individuals have been held to be material. The weight to be accorded to a particular consideration will depend upon the particular facts of the case. Where an application engages human rights, either of the applicant or of a third party, those rights are a material consideration.

Policy Guidance

- 11.4 Policies covering development control matters should be formulated with two considerations in mind:

- the full range of environmental benefits and disbenefits associated with a waste development should be addressed
 - there should be sufficient flexibility within policies, in recognition of the fact that individual sites and schemes are unique.
- 11.5 Policies should create the framework within which all proposals for waste development can be carefully considered in terms of their impact on interests of acknowledged importance, including people, their communities, the environment, local amenity, and local social and economic needs.

POLICY CHECKLIST

- 11.6 The policies should refer to:
- the factors to take into account when considering the planning merits of a scheme, including what is likely to be acceptable in planning terms.
- 11.7 It is also important to ensure that policies dealing with development control matters do not repeat, or indeed contradict, policies addressing other issues, notably environmental protection (see Chapter 8).

INDICATIVE POLICY EXAMPLES

Example 11.1: General amenity considerations

Waste development proposals will be permitted if:

- *the development is of a scale, form and character appropriate to its location*
- *there is no unacceptable adverse effect on the standard of amenity of established, permitted or allocated land uses likely to be affected by the development*
- *adequate means of controlling noise, dust, litter, odours and other emissions are incorporated in the scheme*
- *there is no unacceptable adverse effect on the recreational or tourist use of an area, or the use of existing public access or rights of way*
- *there is no unacceptable adverse effect on areas or features of landscape, historic or nature conservation value*

Example 11.2: Transport considerations

Proposals will be permitted where:

- *access arrangements are adequate for the volume and nature of traffic generated by the proposal*
- *no unacceptable safety hazards for other road users, cyclists or pedestrians would be generated*
- *the level of traffic generated would not exceed the capacity of the local road network*

- *no unacceptable adverse impact upon existing highway conditions in terms of traffic congestion and parking would arise*
- *there are adequate arrangements for on-site vehicle manoeuvring, parking and loading/unloading areas*
- *any adverse impacts that would arise from the proposal can be satisfactorily mitigated by routing controls or other highway improvements*

Example 11.3: Water issues

Waste development proposals will be permitted if it can be demonstrated that

- *there will be no significant impact on the quality of surface and groundwater*
- *where disposal is proposed below the water table, the proposal includes a comprehensive groundwater management plan*
- *there will be no net loss of flood plain, nor an increased risk of flooding as a result of increased surface water run-off*
- *there would be no significant impact on the nature conservation and amenity value of rivers and wetlands*

Example 11.4: Design considerations

The design, siting and appearance of proposals shall:

- *complement the existing topography and vegetation*
- *use materials and colouring appropriate to the location*
- *incorporate landscape proposals as an integral part of the overall development of the site*
- *where appropriate, use high quality, innovative designs*

Proposals that would have an unacceptable adverse visual impact or would have an unacceptable adverse effect on adjoining land uses by virtue of the scale and location of the development will not be permitted unless satisfactory mitigation measures are incorporated.

COMMENTS

- 11.8 It is for individual waste planning authorities to determine the range of development control considerations to be addressed in policy, based on the advice in PPG 10 and the local circumstances within the waste planning authority area. The four indicative examples given above illustrate both positive and negative policy wording.
- 11.9 One development control issue that is now often raised by local communities, especially in connection with proposals for energy from waste plants, but also in relation to other waste management facilities, is concern over the effects they may have on human health. Although the Consultant in Communicable Disease Control is not a statutory consultee for such applications, he has a responsibility for the locality's public health: he should be

consulted about possible health hazards and consequent health risks from the proposed facility. The local authority's environmental health department may have information about sensitive receptors in the vicinity of the proposed plant. The local office of the Environment Agency will be able to provide advice about generic emissions from the type of plant or facility proposed. If the project is the subject of a concurrent application to the Environment Agency (but not otherwise) that Agency will have information about emissions and impacts from the particular plant or facility proposed.

- 11.10. With respect to design issues, waste planning authorities are strongly advised to prepare supplementary design advice for applicants for major new waste facilities. For example, recent planning applications for energy from waste plants have prompted major concerns about the landscape and visual impact, particularly in rural locations. This is due to the scale of buildings and stack heights required. Amongst other matters, the supplementary guidance could advise on techniques for mitigating landscape and visual impacts through sensitive siting, design and use of materials. It is worth noting the increasing tendency to celebrate the architecture of such large installations rather than trying to hide them in the landscape (see the Cornwall Good Practice example in Chapter 8). Consideration should be given to the need to consult the Commission for Architecture and the Built Environment (CABE)¹⁰.

¹⁰ For criteria, see letter to Chief Planning Officers, dated 15 May 2001, entitled 'Planning Applications: Addition of Commission for Architecture and the Built Environment to the list of non-statutory consultees', accessible at www.planning.dtlr.gov.uk/acabelnc/index.htm

CHAPTER 12

Other Development Considerations

Policy Context

- 12.1 Waste Strategy 2000 highlights two commitments at the heart of sustainable waste management:
- tackling the amount of waste produced, by breaking the link between economic growth and waste production
 - putting waste which is produced to good use – through substantial increases in re-use, recycling, composting, and recovery of energy.
- 12.2 The policy guidance contained in this document hitherto concentrates on the general policy approach to waste management and, more specifically, how development plans should make provision for waste management facilities. However, the planning system also has a wider role to play. Because the planning system is used to control development and land use change, it provides an opportunity to help meet the commitments referred to above. In particular, the planning system can promote the provision of the facilities required to move waste management up the hierarchy. Reference to packaging waste illustrates this point.
- PACKAGING**
- 12.3 The Directive on Packaging and Packaging Waste (Directive 94/62/EC) aims to improve the management of packaging materials in Member States in order to reduce its impact on the environment. It includes measures to increase the recycling and recovery of packaging waste, and seeks to share out responsibility for these matters between all sectors of the industry. It also introduces market incentives aimed at encouraging businesses to reduce the amount of packaging waste produced.
- 12.4 The UK legislation reflecting the requirements of this Directive is covered in the *Producer Responsibility Obligations (Packaging Waste) Regulations (1997)(as amended)*. The Regulations set out a number of obligations to which producers and sellers of packaging and packaging waste must adhere. Producers are required to take reasonable steps to recover and recycle waste. They are also required to obtain certificates of compliance on these matters from the appropriate authorities. Sellers are required to provide consumers with information on options for recycling and returning waste packaging, and to identify their role in contributing to the recycling and return of packaging materials.

- 12.5 Although relatively limited in what it can directly achieve in this, the land use planning system has a role to play in facilitating the implementation of the packaging regulations. For example, producers and sellers of packaging waste may need to provide the recovery and recycling facilities required adjacent to their existing operations. The waste development plan should make such provision. More generally, policies in all types of development plan can promote the provision of waste management facilities (eg local recovery and recycling centres in conjunction with new housing or commercial development).

WASTE MINIMISATION

- 12.6 The waste implications of all development should be considered at the earliest possible stage in the planning process. All local planning authorities should ensure when permitting new development that it contributes to the objectives of the national waste strategy. The waste generation and management implications of new development are material planning considerations and should be addressed when determining development proposals.
- 12.7 Encouraging consumers to produce less waste is, on the face of it, not directly related to land use planning. It requires behavioural change. Nevertheless, local planning authorities should explore all possible means for encouraging waste minimisation through the planning system. Preparation of a municipal waste strategy provides an opportunity to place minimisation at the heart of corporate policy. Initiatives might include education and awareness campaigns, and provision of equipment for home composting. And where waste facilities are provided they should encourage material re-use. So, for example, 'clean' MRFs may be better at doing this when integrated with separated waste collection and 'bring' systems, than 'dirty' MRFs that do not promote separation at source.

Policy Guidance

- 12.8 This section on policy guidance is divided into two parts. The first deals with development control in relation to the provision of waste management facilities aimed specifically at moving waste management up the waste hierarchy. The second deals with more general development control considerations.

PROVISION OF WASTE MANAGEMENT FACILITIES

- 12.9 Waste development plans should make provision for the full range of waste management facilities. The principles of self-sufficiency and proximity indicate a shift towards more local facilities, whereby waste is treated closer to its source. Making this shift has significant land use implications because a network of new, locally based facilities will be required. It is important therefore, that all new development projects of a certain size make provision for appropriate waste management facilities. These may take the form of neighbourhood recycling centres in housing developments based on waste separation, or the facilities required to recycle packaging arising from industrial and other employment uses.
- 12.10 Policies in waste development plans can set down the intention to provide such facilities. Waste planning authorities should consider setting thresholds for the provision of such facilities. So, for example, a policy could set out the requirement for appropriate waste management facilities for all residential developments over 'x' houses, or in existing areas

over 'y' in population. It is also necessary to explain how the policy will be implemented. There are various ways to facilitate implementation, the three most common of which are:

- Conditions
- Planning Obligations in accordance with Section 106 of the 1990 Act
- Supplementary Planning Guidance (SPG).

- 12.11 Waste planning authorities may impose conditions to enhance the quality of development and to secure the acceptability of proposals during and after waste management operations (eg aftercare). Circular 11/95 *The Use of Conditions in Planning Permission* provides advice on the use of conditions.
- 12.12 Planning obligations must have a land use planning justification and must be fairly and reasonably related to the development. They can be used to secure the provision of waste management facilities as part of a development. SPG can supplement other specific policies in a waste development plan. It must be consistent with national and regional planning guidance, as well as the policies in the plan. SPG could be used to provide advice on the design, siting and implementation of waste management facilities.

GOOD PRACTICE EXAMPLE

SPG IN HERTFORDSHIRE

Hertfordshire County Council commissioned consultants to help prepare draft SPG¹¹. It covers those policies in the Waste Local Plan which seek to implement the waste hierarchy through encouraging reuse, recycling, etc in relation to all forms of development, and those which require the provision of new waste management facilities as part of a new development. The stated intention of the SPG is to ensure that:

'...the types and quantities of waste generated by development – during construction, occupation and decommissioning – and the way in which this waste is managed, become material considerations in the determination of all planning applications. The policies should therefore be central to the considerations of planning applications by district councils as well as the County Council'

OTHER DEVELOPMENT CONTROL CONSIDERATIONS

12. 13 Breaking the link between economic development and waste production is a challenging task. Construction activity is generally regarded as an indicator of economic buoyancy. The Government believes that for the economic well being of the country it is essential that the construction industry continues to receive an adequate and steady supply of aggregates. At the same time, the Government recognises that aggregates extraction can have a significant environmental impact. Minerals Planning Guidance Note 6 *Guidelines for Aggregates Provision in England* (MPG 6) stresses the importance of combining economic growth with care for the environment in order to attain sustainable development.

¹¹ Implementation of Hertfordshire Waste Local Plan Policies. A Guide for District Councils (Draft). Hertfordshire County Council June 1999.

- 12.14 One of the principal objectives of the minerals planning system, therefore, is to minimise the production of waste and to encourage efficient use of materials. Recycled and secondary aggregates represent a potential major source of materials for construction, thereby helping to conserve primary materials and reducing the volume of waste produced.
- 12.15 The Town and Country Planning (Prescription of County Matters) Regulations 1980 define waste-related developments as ‘county matters’. Consequently planning applications relating to the use of land in connection with waste operations are dealt with as county matters (i.e. the upper tier planning authority in two tier-planning areas). The Planning Green Paper published in December 2001 does not propose to change this. However, most other types of development are not county matters, and are dealt with by the lower tier authority. Obviously this distinction is not applicable in the case of unitary authorities.
- 12.16 Implementation of certain policies in waste development plans is the responsibility of lower tier authorities in the county areas. It is important that the implementation of plans is not being hampered because of this separation between waste development plans and other development plans. Of particular relevance are policies that promote re-use and recycling in construction. Waste planning authorities should include policies to encourage the reuse of materials in construction projects. This could be within the development itself, or for other uses such as preparation for development, for land restoration or site landscaping. The use of recycled aggregates and building products within buildings and other structures in place of natural aggregates can also be addressed in policy. Promotion of re-use and recycling may involve the provision of temporary recycling facilities at demolition and construction and dredging sites, and a policy covering such provision will be required.
- 12.17 It will be important to ensure that the policies solely relate to the development and use of land to meet the requirements of land use policies set out in PPG12. The policies should tell a developer what specifically will be required, or taken into account, by the planning authority in reaching a decision. Thus, for example, if reference is made to ‘appropriate measures’ in policy, the waste planning authority must be specific about what those measures are.

GOOD PRACTICE EXAMPLE

THE NORTH SOMERSET WASTE LOCAL PLAN REVISED DEPOSIT PLAN

The North Somerset Waste Local Plan Revised Deposit Plan illustrates how ‘appropriate measures’ can be explained to potential applicants. North Somerset, a unitary authority, wanted the Plan to concentrate on the provision of waste management facilities, and for it to become a proactive way of implementing the waste hierarchy. The plan includes a policy requiring applicants seeking permission for development proposals that are expected to generate significant volumes of waste through the development process itself to submit a waste audit. The waste audit should include information on:

- Type and volume of waste that the development will generate
- The steps taken to ensure the maximum amount of waste arising from the development is incorporated within the development

The full policy is set out in the indicative policy examples below (Example 12.5).

POLICY CHECKLIST

12.18 The policies should refer to:

- the provision of waste management facilities related to particular development types
- the use of planning obligations
- the promotion of re-use and recycling in construction
- the provision of temporary facilities
- the specific measures required, or to be taken into account, by the waste planning authority in reaching a decision.

INDICATIVE POLICY EXAMPLES

Example 12.1: Provision of facilities with new development

The waste planning authority will require the provision of appropriate waste sorting, recovery and recycling facilities for the following developments:

- *development areas for 100 or more dwellings*
- *new development, redevelopment or refurbishment of shopping centres or facilities where the floorspace of existing and new development amounts to 500m² or more*
- *major transport, leisure, recreation, tourist or community facilities*
- *appropriate smaller developments which frequently attract a significant number of people (eg community or shopping schemes)*

COMMENTS

12.19 Policy 12.1 explains the circumstances in which the provision of additional waste management facilities should be provided as part of a new development. This is achieved through the use of thresholds for particular types of development. The justification for this policy should explain how the provision of such facilities would contribute to the implementation of the waste management strategy as set out in the relevant waste development plan. The justification should also describe the types of facilities that might be provided, and the preferred mechanism for providing them (eg conditions, planning obligation). SPG could be used to illustrate the types of facility in terms of land take, design, equipment, etc.

Example 12.2: Planning obligations

The waste planning authority will enter into planning obligations with waste operators to mitigate the impacts of waste and waste development. The following may be considered appropriate matters for inclusion in a planning obligation where related to the development proposal:

- *highways and access improvement and highways maintenance*
- *traffic weight restrictions*

- *environmental protection and enhancement*
- *protection and/or replacement of local, regional and national sites of acknowledged importance*
- *replacement of important environmental and landscape features*
- *protection of local amenity*
- *waste awareness and publicity campaigns for the local community*
- *local waste minimisation projects*
- *replacement of local community facilities, for example open space, sports and recreation facilities*
- *long-term management of the site*
- *after use development*
- *monitoring*

COMMENTS

- 12.20 Planning obligations under section 106 of the 1990 Act provide a means for overcoming a planning objection to a proposed development. Policy 12.2 lists the sorts of matters arising from waste development that might be the subject of a planning obligation. Circular 1/97 *Planning Obligations* provides guidance on the scope of planning obligations, such that they must be necessary, relevant to planning, directly related to the proposed development and reasonable. Any specific local considerations should be referred to in the policy and supporting justification. However, the imposition of a condition that satisfies the policy tests of Circular 11/95 is preferable to seeking a planning obligation. This is because the imposition of restrictions by means of a planning obligation deprives the developer of the opportunity to have the restrictions varied or removed if they become inappropriate or too onerous.

Example 12.3: Re-use and recycling in construction

The Council will encourage the reuse of clean, excavated material from construction projects when considering development proposals. Potential uses include preparation for development, for land restoration or site landscaping and, where appropriate, as recycled aggregates and building products within buildings and other structures in place of natural aggregates or other previously unused materials.

Example 12.4: Provision of temporary facilities

The provision of temporary inert recycling facilities will be encouraged at demolition, dredging, construction and highway projects subject to other development plan policies, particularly those relating to environmental and other effects.

COMMENTS

- 12.21 Policies 12.3 and 12.4 seek to encourage the reuse and recycling of materials, both generally and specifically through the provision of temporary facilities. The justification for the policy should explain how encouraging the provision of facilities relates to a legitimate waste planning issue (ie the objectives of the waste development plan).

Example 12.5: Appropriate measures (waste audit)

Development proposals which are expected to generate significant volumes of waste through the development process itself will be required to submit, as part of the application detail, a waste audit to include the following:

- *the type and volume of waste that the development will generate; and*
- *the steps to be taken to ensure the maximum amount of waste arising from the development process is incorporated within the new development; and*
- *the steps to be taken to manage the waste that cannot be incorporated within the new development and, if disposed of elsewhere, the distance the waste would be transported*

The way in which the waste arisings identified in the waste audit are to be dealt with will be considered against the need to be consistent with the Waste Hierarchy, Proximity Principle and Best Practicable Environmental Option

COMMENTS

- 12.22 Policy 12.5 tells a developer what specifically will be required, or taken into account, by the planning authority in reaching a decision. The policy requires applicants seeking permission for development proposals that are expected to generate significant volumes of waste during the development process to submit a waste audit. It specifies the type of information to be included in the audit. The justification for the policy (or an annexe to the plan) should explain in more detail what needs to be included in an audit and how this information can be assembled. Given that the policy deals with what are quite complex issues (eg the suitability of reusing materials in construction), it may be useful to refer applicants to relevant sources of technical information.

CHAPTER 13

Related Matters

- 13.1 There are four further matters that, although not specifically addressed by land use planning policy, are nevertheless relevant to waste development plans. These are:
- sustainability appraisal
 - environmental impact assessment (EIA)
 - consultation
 - monitoring and review
- 13.2 It is not the function of this document to provide detailed guidance on these matters as this is available elsewhere¹². However all the matters closely relate to policies in development plans, as summarised below.

Sustainability Appraisal

- 13.3 The Government is committed to sustainable development and has set out its approach in *A better quality of life, a strategy for sustainable development in the UK (1999)*. The strategy is based on four broad objectives:
- maintenance of high and stable levels of economic growth and employment;
 - social progress which recognises the needs of everyone;
 - effective protection of the environment; and
 - prudent use of natural resources.
- 13.4 PPG12 states that the planning system, and development plans in particular, can make a major contribution to the achievement of the Government's objectives for sustainable development.
- 13.5 Development plan regulations require local authorities to have regard to environmental, social and economic considerations when preparing development plans. However, PPG12 makes it clear that policies in development plans should implement the land use planning aspects of sustainable development and must be capable of being addressed through the land use planning system.

¹² Environmental Impact Assessment A guide to procedures. 2000; Proposals for a Good Practice Guide on Sustainability Appraisal of Regional Planning Guidance. 1999.

- 13.6 Development plans should be drawn up in such a way as to take environmental considerations comprehensively and consistently into account. In particular, the environmental effects of unsustainable or poorly controlled waste management and mineral extraction, processing and tipping operations.
- 13.7 Environmental appraisal should apply to all types of development plan; apply to all policies and proposals; be part of the plan preparation process; and should continue once development plans have been adopted. Development plans should have key environmental and other indicators built into them which are capable of being monitored throughout the lifetime of the plan. These can then inform the review of plans and the need for subsequent alterations to policies, or the replacement of the plan. There is now a wide range of experience of environmental appraisal which applies equally to waste development plans. The approaches and techniques used vary considerably from authority to authority. To a certain extent this has been a response to local circumstances, and also a reflection of the pace of change in the way that environmental issues have been taken into account.
- 13.8 To be truly effective, a sustainability appraisal of a waste development plan should:
- form an integral component of all stages of plan preparation;
 - embrace environmental, social and economic objectives;
 - reflect global, national, regional and local concerns;
 - take a long-term view of how waste management in the area covered by the plan is expected to develop in a sustainable manner;
 - provide a mechanism for ensuring that strategic sustainability objectives are translated into sustainable planning projects on the ground;
 - set out a reasoned justification of all judgements made, and actions and recommendations put forward; and
 - provide an audit trail of how the plan has been revised to take into account the findings of the appraisal.
- 13.9 Arguably, most important of all, a sustainability appraisal should provide a framework for delivering more sustainable patterns of waste management, making it a genuine aid to the planning process. It should not be seen as merely an end-of-plan check, nor just another bureaucratic hurdle. Inevitably there will always be trade-offs. The sustainability appraisal should be explicit about what these are, helping to inform the decision-maker.
- 13.10 A number of the waste development plans reviewed as part of the research underpinning this guidance have been the subject of some form of appraisal, and the appraisal is usually available as part of the plan. The overriding impression gained from these documents is that they have made a useful contribution to the policy formulation process. However, the full potential contribution has generally not been realised because the appraisals have been undertaken as post-preparation review exercises rather than as work commencing at the start of plan preparation and feeding in to the development of policies from the outset.

Environmental Impact Assessment (EIA)

- 13.11 EIA is a means of drawing together, in a systematic way, an assessment of the likely significant effects of a development scheme. The main aim is to ensure that the authority giving the primary consent for a particular project makes its decision in the full knowledge of any likely significant effects on the environment. Although it is not the function of a development plan to replicate the provisions of other aspects of planning control (in this case the EIA Regulations¹³), it is worth giving an indication in a waste development plan of the likelihood of a waste development requiring EIA, for example with reference to the criteria and thresholds set out in those regulations. This is especially so given the increasing emphasis placed on making waste development plans site specific.
- 13.12 Projects subject to EIA are identified in Schedule 1 and Schedule 2 of the EIA Regulations. If a project is in Schedule 1 then EIA is mandatory. Projects listed in Schedule 2 may require EIA if they are likely to give rise to significant environmental effects. Schedule 1 waste developments comprise:
- Waste disposal installations for the incineration, chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC(a) under heading D9), or landfill of hazardous waste (that is to say, waste to which Council Directive 91/689/EEC(b) applies)
 - Waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC(a) under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day
- 13.13 Schedule 2 projects comprise installations for the disposal of waste (unless included in Schedule 1) where:
- The disposal of waste is by incineration; or
 - The area of the development exceeds 0.5 hectare; or
 - The installation is to be sited within 100 metres of any controlled waters
- 13.14 For Schedule 2 projects, EIA is required if the project is likely to give rise to significant environmental effects. DTLR Circular 02/99 *Environmental Impact Assessment* establishes indicative thresholds and criteria to help determine whether EIA is required. In doing so, the location and environmental sensitivity of a location are of crucial importance. Annex A of the Circular sets out the factors to take into account in determining significance.
- 13.15 The issue of the appropriate level of consideration given to alternative sites is addressed in the EIA Regulations. It is one of the functions of development plans to allocate preferred sites/areas for development based on some form of selection exercise. Generally, developers are not required to demonstrate that their site is the preferred alternative. An application should be judged on its individual merits, and cannot be refused because a better site exists somewhere else. Nevertheless, the plan led system¹⁴ requires that the planning authority

¹³ The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

¹⁴ Given statutory force by Section 54A of the 1990 Planning Act.

determines a planning application in accordance with the development plan unless material considerations indicate otherwise. In effect this means that an application could be refused because it does not accord with a policy for the siting of waste management facilities.

- 13.16 Schedule 4 of the EIA Regulations sets out the information to be included in an environmental statement. A developer is required to provide:

An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects

- 13.17 The allocation of preferred sites in a waste development plan will help ensure that waste management facilities likely to give rise to significant environmental effects are located where these effects would be least damaging. It follows, therefore, that a developer seeking planning permission on a site not allocated in the development plan would have to put forward a robust argument as to why the alternative is preferable.

Consultation

- 13.18 PPG 12 places considerable emphasis on the importance of consultation in the development plan process. The Planning Green Paper of December 2001 proposes a statutory requirement that the community should be involved in the preparation of the new-style local development frameworks. The aim of consultation is to encourage local people to participate actively in the preparation of plans. This should help to secure a degree of consensus over future development and the use of land. Full and open consultation on waste development plans is especially important given the controversial nature of waste management proposals. For example, it is only likely to be possible to identify preferred sites for waste management development if the sites have been fully scrutinised through the development plan process. Waste planning authorities should consider using innovative techniques and approaches to consultation to ensure the widest possible involvement.

Monitoring and Review

- 13.19 It is good practice to ensure that all development plans are continuously monitored, and reviewed at regular intervals. The waste planning authority should ensure that adequate mechanisms are in place to monitor the effectiveness of policies in waste development plans.

APPENDIX 1

List of Case Study Authorities

Table 3 List of case study authorities

Waste Planning Authority	Plan Name and Status
Barnsley Metropolitan Borough Council	Unitary Development Plan (incorporating the Council's proposed modifications to the deposit draft) Vol. 1: strategy, policy, justification, August 1999
Bournemouth Borough Council, Borough of Poole & Dorset County Council	Dorset Minerals and Waste Local Plan, adopted April 1999
Cornwall County Council	Cornwall County Council Waste Local Plan, first draft deposit version, July 2000
Coventry County Council	Coventry City Council Unitary Development Plan, deposit version – post inquiry version
Cumbria County Council	Cumbria Minerals and Waste Local Plan, adopted version June 2000
East Sussex and Brighton & Hove	East Sussex and Brighton & Hove Waste Local Plan First Deposit November 2000
Gloucestershire County Council	Gloucestershire Waste Local Plan, deposit draft 2000
Hampshire County Council	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan, adopted December 1998
Hertfordshire County Council	Hertfordshire Waste Local Plan 1995-2005, adopted January 1999
Lake District National Park Authority	Lake District National Park Local Plan: incorporating policies in respect of minerals and waste (adopted version – May 1998)
Lancashire County Council	Lancashire Minerals and Waste Local Plan, deposit post inquiry version
London Borough of Brent	The London Borough of Brent Unitary Development Plan – replacement 2000-2010 Deposit Draft
London Borough of Camden	London Borough of Camden Unitary Development Plan, adopted version 2000
North East Lincolnshire District Council	North East Lincolnshire Local Plan deposit draft
North Somerset Council	North Somerset Waste Local Plan: revised deposit plan, February, 2000
North Tyneside Metropolitan Borough Council	North Tyneside Unitary Development Plan Deposit Draft 1996
North Yorkshire County Council	North Yorkshire Waste Local Plan, deposit draft 2000
Oxfordshire County Council	Oxfordshire Minerals and Waste Local Plan, adopted May 1996
Staffordshire County Council	Staffordshire & Stoke on Trent Waste Local Plan 1998-2011, deposit draft version May 2000.
Surrey County Council	Surrey Waste Local Plan, adopted version May 1999
Warwickshire County Council	Warwickshire Waste Local Plan, adopted August 1999

*Research reports to be published by
DTLR in due course:*

- 1) Planning for Sustainable Waste Management: Identifying the Sustainable Waste Management Option
- 2) Planning Considerations associated with the Provision of Waste Management Facilities