



National Waste Planning Policy

To: All Chief Executives, Main Contacts and APSE Contacts

Key Issues

- Government announces its National Waste Planning Policy
- The policy covers:*
- Recycling and generating energy from waste
 - Sustainable waste management
 - Reducing adverse environmental impacts arising from waste management methods
 - The policy covers England only but will be a source of useful information and allow for policies to be contrasted throughout APSE's UK wide membership and is therefore provided to all contacts.

1. Introduction

In July 2013, the Department for Communities and Local Government (DCLG) launched its consultation on an updated national waste planning policy, providing a draft version of the policy for comment and outlining the Government's commitment to:

- recycling and generating energy from waste;
- sustainable waste management; and
- reducing adverse environmental impacts arising from waste management methods.

The long-awaited Consultation Report has now been published, accompanied by the new 'National Planning Policy for Waste' (the Policy). This replaces 'Planning Policy Statement 10: Planning for Sustainable Waste Management' (PPS 10) and is to be considered alongside other national planning policy for England - such as in the National Planning Policy Framework (2012) (the NPPF), Defra's Waste Management Plan for England (2013)

and the National Policy Statements for Waste Water and Hazardous Waste (2012 and 2013 respectively).

2. Background

Waste planning has long-been considered as a separate policy element, distinct from the general approach to planning. As a result, waste planning policy was specifically excluded from the National Planning Policy Framework (NPPF). **This reflects the Government's focus on the planning system as vital in:**

- Ensuring the adequate and timely provision of facilities to meet local and national waste needs;
- Helping achieve delivery of the waste hierarchy; and
- Maximising recycling.

Since its introduction in 2005 (and revisions in March 2011) PPS 10 provided the main framework for local authorities in their development of localised strategies and waste management plans. Heralding a plan-led approach, PPS 10 focused on reducing waste, promoting use of waste as a resource, and facilitating protection of the environment and human health. It also gave some protection to Green Belt land, ensuring development of waste facilities **only where these were deemed 'appropriate' when balanced against the broader potential economic and environmental benefits.**

3. What changes with the new Policy?

Whereas PPS 10 comprised over 25 pages of provisions, the new Policy reflects the **Government's ongoing aim for a more transparent, efficient and streamlined planning process.** There are now just five pages of substantive policy.

The key provisions of the Policy include:

- Following the thrust of changes introduced under the Localism Act 2011, Local Plans are now the focus. Waste planning authorities are to develop Plans based on proportionate evidence regarding local waste arisings and national waste management requirements.
- **Local Plans must identify opportunities to meet the area's waste management needs and recognise the importance this should be given alongside other spatial planning concerns.** Collaborative working by the local authority to achieve this is strongly advised.
- On-site management of waste is encouraged. Correspondingly, local authorities are to give priority to re-use of the following when planning for waste management facilities (WMFs) in their areas:
 - ✓ previously-developed land;

- ✓ sites identified for employment uses; and
- ✓ redundant agricultural and forestry buildings and their curtilages.

Waste planning authorities should consider the suitability of sites / areas for new or enhanced WMFs against:

- ✓ how far the site / area will support other elements of the Policy;
- ✓ physical and environmental restrictions on development;
- ✓ the capacity for existing and future transport infrastructure to support sustainable movement of waste and arising products, particularly making use of non-road forms of transport; and
- ✓ **the cumulative impact on the local community's well-being**, including environmental quality, potential economic development, and social cohesion.

Specific criteria are outlined that should be taken into account by local authorities when determining waste planning applications. These include ensuring that the WMFs themselves are well-designed and **contribute positively to the area's quality and character**. The likely impact on amenity and the local environment against listed criteria must also be considered.

On consideration of waste planning applications in Green Belt land, suitable sites outside **the Green Belt should be the first 'go to' for development of WMFs**.

Waste management also becomes an element to consider in applications for proposed development that is not waste-related. **Local planning authorities are directed "to the extent appropriate to their responsibilities" to ensure there is sufficient provision for waste management in all development**. Good design principles must be followed, so WMFs are integrated with the wider development and the local landscape (at least in more under-developed areas).

APSE and Walker Morris Comment

The Policy's position regarding the Green Belt here does reflect the Government's increasingly 'tough' approach to development on such protected land. In many ways, the Policy could be interpreted as introducing a sequential test – whereby planning authorities will first look for suitable sites / areas outside the Green Belt for WMFs "that, if located in the Green Belt, would be inappropriate development".

The encouragement given to co-locate WMFs with complementary activities where possible is also particularly significant. The re-use of heat produced is specifically **advocated, echoing the Policy's wider encouragement for use of heat as an energy source**. This means WMF developments are likely to be situated closer to existing sewage treatment works and / or urban areas, for example, to exploit the benefits of close location.

With such a short-form Policy document, it remains to be seen whether PPS 10 will still be used to provide interpretative assistance. It will also be interesting to monitor whether the **Policy will achieve DCLG's wide-ranging objectives and prove, as intended, to be "an easily understood waste planning policy framework...which can be followed by local authorities, waste developers and local communities alike"**.

APSE is working with Walker Morris as legal partner to APSE Energy and this new Policy document will be of interest not only to planning, waste and refuse service managers and directors but also to those coordinating responses to the development of municipal energy schemes including energy from waste schemes.

This briefing has been prepared with the kind assistance of Ben Sheppard and David Kilduff who are expert lawyers and partners within the Energy, Infrastructure & Government Group at Walker Morris LLP.

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