



17th January 2012

Agenda Item:6

REPORT OF GROUP MANAGER, PLANNING

WASTE FRAMEWORK DIRECTIVE TECHNICAL GUIDANCE ON IMPLEMENTING THE EU WASTE FRAMEWORK DIRECTIVE

Purpose of the Report

1. To provide a summary of the recent technical guidance published by the Department for Communities and Local Government (DCLG) in December 2012 to provide advice to local planning authorities on the measures required to comply with the EU Waste Framework Directive.

Information and Advice

2. The EU Waste Framework Directive provides the overarching legislative framework for the management of waste across Europe. Its transposition in England is largely through the Waste Regulations 2011.
3. Waste planning authorities in particular, have some responsibility in ensuring that England complies with the European Union Waste Framework Directive. The obligations are set out both in legislation, through the Waste Regulations 2011 and in Planning Policy Statement 10 '*Planning for Sustainable Waste Management*'.
4. The Government is committed to a 'zero waste economy' and their ambitions for waste highlight the importance of putting into place the correct waste management infrastructure with the planning system being crucial to the adequate and timely provision of new waste management facilities. Waste Planning Authorities have a statutory duty to prepare a waste plan and the document states that there is a clear need for a robust and up to date local waste plan to guide and steer the development and attract the inward investment necessary.
5. The guidance discusses how the Waste Local Plan should be supported by regular monitoring and ensuring that waste planning issues are kept up to review.
6. The published guidance sets out the key requirements which are:
 - **Waste Hierarchy:** The duty to apply the waste hierarchy as a priority order in waste management policy and legislation, this hierarchy is applied to the planning system through PPS10.

- **Protection of Human Health and the Environment:** Obligations to ensure that waste is handled in a manner which guards against harm to human health and the environment. In addition Waste Planning Authorities, in preparing Waste Local Plans should test the suitability of proposed sites in this regard. When considering individual planning applications the development of the land should be controlled in the public interest.
 - **Principles of Self Sufficiency and Proximity:** The principles of proximity and self-sufficiency should be embraced and these principles require an integrated and adequate network of waste disposal installations and installations for the recovery of municipal waste.
 - **Waste Management Plans:** There is a requirement to draw up one or more waste management plans. Implementation of this is likely to be achieved through the National Waste Management Plan (soon to be published) and up-to-date Waste Local Plans. There is also a clear role for Annual Monitoring reports to complement the evidence provided in the Local Plans including details of major disposal and recovery installations, assessment of need for the closure of existing facilities and information on the location and criteria for existing sites and future capacity for disposal and recovery.
 - **Inspections:** Requirements to carry out appropriate inspections of facilities when discharging their planning responsibilities.
7. The guidance provides a checklist to ensure that the Waste Local Plan is in compliance with the EU Directive and PPS10 and provides guidance to ensure that decisions on planning applications are made taking full account of the EU requirements; it does not discuss the possibilities of EU fines if the requirements are not met.
8. The Government have also taken this opportunity to remind waste planning authorities in particular of the importance of putting up-to-date waste plans in place. This is critical, not only to meet EU obligations, but also to allocate sufficient land for waste management facilities to meet the Government's ambitions for a zero waste economy.

Other Options Considered

9. There are no alternative options to consider as the report is for information only.

Reason for Recommendation

10. This report is for information only.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) This report is for information only.

Sally Gill
Planning Group Manager

For any enquiries about this report please contact: Lisa Bell, Team Leader - Planning Policy, ext 74547

Background Papers

The technical guide can be found on the website at:

<https://www.gov.uk/government/publications/guidance-for-local-planning-authorities-on-implementing-planning-requirements-of-the-eu-waste-framework-directive-2008-98-ec>

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Constitutional Comments

12. As this report is for noting only constitutional comments are not required.

Financial Comments (DJK 08.01.13)

13. The contents of this report are duly noted; there are no financial implications.

Electoral Division(s) and Member(s) Affected

All.