

10th October 2013

Agenda Item:

**REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES**

**CONSULTATION ON A NEW WASTE MANAGEMENT PLAN FOR ENGLAND
AND UPDATED NATIONAL WASTE PLANNING POLICY: PLANNING FOR
SUSTAINABLE WASTE MANAGEMENT**

Purpose of the Report

1. To inform Committee about recent Government consultations on waste and to seek Committee ratification for comments set out in this report, which were sent to Government on 23rd September 2013, in response to the consultation on updated national waste planning policy.

Information and Advice

2. The Government has recently published two separate consultations on a new Waste Management Plan for England and updated national waste planning policy . The preparation of a new national Waste Management Plan is intended to meet specific requirements of the EU Waste Framework Directive but does not introduce any new policy, targets or waste management initiatives. The County Council has not therefore responded to this consultation as no new issues have been raised.
3. Updated national waste planning policy is intended to replace existing Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) which was retained after publication of the National Planning Policy Framework in March 2012. In order to meet the Government's consultation deadline officer comments were sent as set out in Appendix 1.

New Waste Management Plan for England

4. The Waste Management Plan for England has been prepared to ensure that the UK is able to meet specific requirements under Article 28 of the revised EU Waste Framework Directive (2008/98/EC) for Member States to have a waste management plan in place setting out:
 - How the provisions of the Directive will be met, including how the objectives of the waste hierarchy will be achieved;

- The types, quantity and source of waste generated and waste likely shipped to or from the national territory;
 - Information on existing waste collection schemes and major disposal or recovery infrastructure;
 - An assessment of the need for new collection schemes and or waste management infrastructure;
 - Sufficient information on the location criteria to identify future sites for disposal or major recovery facilities, where necessary;
 - General waste management policies.
5. Within the UK, these Directive requirements will be met through a combination of both the national Waste Management Plan and local planning policies prepared by each of the individual Waste Planning Authorities (i.e. County or Unitary Councils). The County Council already has in place a saved Waste Local Plan and its new Waste Core Strategy, prepared jointly with Nottingham City Council, is currently going through the final stages of independent examination. This will be followed by a subsequent policy document setting out local site criteria, and site specific allocations, for waste management facilities and appropriate environmental protection policies.
 6. Once in place, the national Waste Management Plan for England will replace the existing national Waste Strategy for England 2007. It will also sit alongside updated national planning policy statement on waste (considered later in this report) and a new national Waste Prevention Programme, which is due to be published by the end of 2013. This is will consider the use of waste as a resource and identify opportunities for waste prevention to benefit business sectors and the wider economy.
 7. In practice, the new Waste Management Plan for England does not introduce any new policy but simply draws together and signposts all of the relevant national strategies and initiatives on waste to ensure compliance with the EU Directive. The Plan confirms existing targets for waste re-use, recycling and recovery and there are no new requirements in terms of waste collection measures or disposal arrangements. Therefore, it is not considered that there are any implications for either the waste planning or waste disposal functions of the County Council.

. Updated national waste planning policy

8. Government is also consulting on an update to national waste planning policy which is intended to replace PPS10: Planning for Sustainable Waste Management. This will sit alongside the National Planning Policy Framework (NPPF) which does not include any specific policies on waste. As part of the Government's commitment to streamline planning policy the updated policy statement is considerably shorter than the existing PPS10, although it is intended that there will be separate practice guidance to accompany the policy at a later date.

9. In line with EU Directive requirements, the policy continues to emphasise the importance of using waste as a resource, the prevention and recycling of waste while protecting human health and the environment, and the principles of proximity and self-sufficiency.
10. Key policy changes set out in the document are the introduction of additional text which encourages the use of heat as a source of energy, where energy from waste development is being considered, and a tightening up of Green Belt policy in relation to waste. Previous waste policy allowed some measure of discretion in relation to certain types of waste uses in the Green Belt but this has been clarified so that waste developments would no longer be accorded any greater weight than any other form of development. Proposals would therefore have to demonstrate the very special circumstances required under NPPF Green Belt Policy.
11. Existing appendices on the waste hierarchy and locational criteria are retained but those setting out the specific responsibilities of Waste Planning Authorities (WPAs), sustainable development principles, and the role of the Technical Advisory Bodies on Waste have been deleted. Unlike previous arrangements, this implies that there is no longer a requirement for WPAs to work together to form technical working bodies similar to the aggregate working parties that are in place for minerals planning.
12. In preparing their local plans, there is a clear requirement for WPAs to ensure that the planned provision of new capacity, and its spatial distribution, is based on robust analysis of available data and information. Authorities should also work collaboratively to take account of waste arisings in neighbouring areas and any waste amendment requirement identified nationally. This reflects the duty to co-operate which was introduced by the NPPF and the Localism Act 2011. The new policy statement also makes more explicit the requirement for all local planning authorities, not just WPAs, to consider the waste implications of all development so that the operation of existing waste management facilities is not compromised and that all new development is designed to minimise construction waste and make provision for waste management and storage where necessary.

Implications of policy changes

13. The County Council is at an advanced stage in preparing its Waste Core Strategy which follows current national policy as set out in PPS10. On the advice of the Planning Inspector who is carrying out the independent examination into the Waste Core Strategy, a number of modifications have been put forward by the Councils to reflect these policy changes, particularly in relation to waste development within the Green Belt. These modifications were considered by this committee on 20 June 2013 and advertised for public consultation between 24th June and 22nd July 2013.
14. The shorter, more streamlined policy statement clarifies and strengthens some aspects of existing policy, including that for Green Belt, but lacks much of the earlier context which explained Government thinking and assisted with the interpretation of national policy in local decision making. It is not yet clear how much detail will be provided in subsequent guidance but the policy, in its current form, is very limited. It is considered that this could potentially lead to confusion in local policy and decision making.
15. The renewed policy emphasis on a 'robust analysis' of waste data for forecasting, planning and monitoring, is seemingly positive but overlooks the major shortcomings in both the

quality and quantity of waste data that is available to local authorities. Delivering this level of detailed data analysis will require a centrally coordinated system of data collection for all waste.

16. In the light of the current emphasis on the duty to co-operate, the lack of any reference to the role of the Technical Advisory Bodies or a similar body, could mean that there is less, rather than greater integration and co-operation between WPAs in future.

Conclusions

17. Whilst the clarification of certain aspects of Government Policy is welcome, there are certain areas where it is felt there should be greater clarification. These concerns have been drawn out in the officer comments attached at Appendix A

Other Options Considered

18. This report considers recent Government consultations on waste and recommends that Council respond to the consultation on updated national policy as set out at Appendix A. Alternative options considered could have been to express unequivocal support for the policy or to make no response.

Reason/s for Recommendation/s

19. The proposed new policy will be the key expression of national policy against which to prepare the Council's future waste planning policies. It is hoped that engagement in this consultation will highlight key areas of concern To Government and help to clarify future policy

Statutory and Policy Implications

20. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, 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.

Financial Implications

21. There are no direct financial implications.

Implications for Sustainability and the Environment

22. There are no direct implications for Sustainability and the Environment.

RECOMMENDATION/S

- 1) That Members note the contents of this report for information and endorse the officer comments (attached at Appendix A) in response to the Government's consultation on updated national waste planning policy. .

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For any enquiries about this report please contact: Suzanne Osborne-James, Planning Policy Team, ext 72108

Constitutional Comments (NAB 13.09.13)

23. Environment and Sustainability Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (SEM 13/09/13)

24. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

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.

National Waste Management Plan for England:

www. <https://www.gov.uk/government/consultations/the-waste-management-plan-for-england>

Updated national planning policy on waste:

<https://www.gov.uk/government/consultations/updated-national-waste-planning-policy-planning-for-sustainable-waste-management>

Electoral Division and Members Affected

All

Appendix A

Nottinghamshire County Council Response to the Consultation on Updated National Waste Planning Policy

Nottinghamshire County Council is grateful for the opportunity to respond to this current consultation and has the following comments to make:

Green Belt

The Council welcomes the clarification on green belt policy in relation to waste facilities which removes earlier ambiguity over the circumstances in which waste management development in the Green Belt might be acceptable. However we would draw attention to the fact that this tighter application of policy could be at odds with the Government's desire to enable communities to take greater responsibility for managing their own waste. In the Council's view, it will now potentially be more difficult to justify locating small-scale facilities that could otherwise have played a beneficial role in promoting more sustainable waste management.

Using a proportionate evidence base

Whilst the Council supports the underlying aim of a sound evidence base for determining future waste provision; our experience along with that of other Waste Planning Authorities (WPAs), is that there is insufficient data on the different types of waste available at the local level. The policy expectation, set out within paragraph 2, can only partly be delivered due to the fundamental lack of available waste data, particularly in relation to commercial and industrial and construction and demolition waste.

The only regular and consistent source of reliable local data on waste arisings and management is that for municipal waste provided through the Wastedataflow system. There is no comparable system for other wastes and there is a misconception among the public and interest groups that a similar level of data is available for all wastes. Information provided by the Environment Agency gives a picture of waste movements, and the facilities which are being used to manage waste, but it is dependent upon the volume and quality of operator returns and does not provide a reliable figure for waste arisings. WPAs are therefore wholly reliant on national surveys of commercial and industrial and construction and demolition waste but these do not provide information to a local level. To avoid unrealistic expectations on individual WPAs, this lack of waste data should be readily acknowledged within the policy statement.

To achieve the coverage and quality of evidence that is being sought within the national policy statement there would need to be a mandatory, national system of waste data collection for all wastes.

Determining Planning Applications

The Council particularly supports the clearer expression of the role of all planning authorities contained in paragraph 7. These aspects are often overlooked by local district or borough councils, especially in relation to the impact of non-waste related development on existing or

proposed waste management facilities and the handling of waste arising from the construction and operation of development.

Monitoring and Review

Whilst recognising the importance of undertaking regular monitoring and review, we would repeat our earlier reservations about the quality and availability of waste data for this purpose.

For the purposes of monitoring, WPAs would normally consider operational capacity as a more reliable indicator than the consented capacity that is currently suggested within footnote 5 of the policy. Using consented capacity which is not yet implemented or operational is considered unduly risky. This relies heavily on capacity which may never actually come forward, a situation which is often seen at the local level. Whilst this could be seen as a way of avoiding over-provision, from a WPA perspective it is easier to accommodate over-provision, which is likely to be resolved by market circumstances, than to try and provide facilities after the fact. Assumptions about capacity that is not available runs a very serious risk of under-provision which would be exacerbated by the long lead in times associated with most types of waste management facility.

Appendices

The Council supports the retention of the existing appendices on the Waste Hierarchy and locational criteria. However, we are concerned that useful information contained in the other appendices has been lost. Whilst it is accepted that the specific responsibilities of WPAs are prescribed in regulations, its previous inclusions provided a helpful and informative reference for all planning authorities.

We also note with concern that there is no longer any reference to the role of the former Regional Technical Advisory Bodies (RTAB). Whilst, we acknowledge the NPPF requirements in terms of the general duty to co-operate, it seems a surprising omission that there is no longer a specific requirement for WPAs to work together and share information and expertise through an RTAB or similar body. The value and necessity of this is recognised in minerals planning through the Aggregate Working Parties and it is perverse that the same rationale is not being applied to waste. This conflicts with the national policy requirements, set out in paragraph 3, in terms of joint working, sharing facilities and providing for more than local needs.

General Comments

Whilst it is acknowledged that the updated policy has been drafted in line with the current, more streamlined, style of the National Planning Policy Framework, we would suggest that some of the context which is provided in the notes accompanying the consultation could helpfully be incorporated within the statement itself. The general lack of wider policy context is likely to lead to difficulties for individual WPAs in interpreting the policy. In this respect it would have been helpful to have had sight of the intended guidance note at the same time as this current consultation.