



Department for
Communities and
Local Government

Updated national waste planning policy: National Planning Policy for Waste

Report on responses to the consultation

© Crown copyright, 2014

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

October 2014

ISBN: 978-1-4098-4345-0

Contents

Summary	4
Introduction	4
Overview of Responses	5
Overall policy approach - responses to question	6
Waste data capture and information - responses to question	8
Identification of waste sites - responses to question	9
Locational criteria - responses to question	10
Waste proposals in the Green Belt - responses to question	11
Practice guidance supporting the policy - responses to question	12

Summary

1. Following consultation, the Government has published updated national waste planning policy, 'National Planning Policy for Waste'. This updated policy replaces 'Planning Policy Statement 10: Planning for Sustainable Waste Management' as the national planning policy for waste in England. It sits alongside other national planning policy for England set out in the National Planning Policy Framework published in 2012, the Waste Management Plan for England published by the Department for Environment, Food and Rural Affairs in December 2013, and National Policy Statements for Waste Water and Hazardous Waste published in 2012 and 2013 respectively.

Introduction

2. In July 2013, the Government published the consultation draft of 'Updated national waste policy: Planning for Sustainable Waste Management', seeking views on proposed changes to waste policy.
3. The planning system is key to the adequate and timely provision of properly located waste facilities to meet local and national waste needs. It also helps deliver against the Government's wider ambitions in respect to a zero waste economy by moving waste up the waste hierarchy. This means reusing and recycling all we can, with disposal as a last resort. National waste planning policy in Planning Policy Statement 10, published in 2005 and then revised in 2011, provided a positive planning framework to enable local authorities to put in place robust local plans in respect of waste.
4. Waste planning policy was excluded from the National Planning Policy Framework on account of its unique role as part of a wider national waste management plan. The intention, as set out in the Framework, was to instead publish separate, updated national waste planning policy to replace Planning Policy Statement 10, and for this to sit alongside the Waste Management Plan for England which has since been published by the Department for Environment, Food and Rural Affairs.
5. The updated waste planning policy published for consultation last year took a more streamlined approach to that in Planning Policy Statement 10, in line with the principles adopted for preparing the National Planning Policy Framework. The Government also put forward a number of minor changes to the policy to reflect:
 - the latest Government ambitions for waste management (reflected in the Government's 2011 Review of Waste Policy in England, and the Waste Management Plan for England), including encouraging the use of heat as an energy source where energy from waste development is being considered
 - those aspects of the revised 2008 EU Waste Framework Directive where national planning policy plays a role in ensuring compliance. These include:
 - (i) seeking to increase the use of waste as a resource and to place greater emphasis on the prevention and recycling of waste, while protecting human health and the environment

- (ii) the principles of self-sufficiency and proximity
 - the revocation of Regional Strategies, through removing references to compliance with Regional Strategies and stressing the importance of close co-operation between planning authorities
 - the Government's approach on Green Belt, specifically that most new development is inappropriate in the Green Belt and should not be permitted other than in very special circumstances. The reference in Planning Policy Statement 10 that planning authorities should give significant weight to locational needs and wider environmental and economic benefits when considering waste planning applications in the Green Belt has been removed from the updated waste planning policy. This means that waste planning policy reflects the National Planning Policy Framework in that waste management facilities are considered to be inappropriate development in the Green Belt.
6. The final updated waste policy 'National Planning Policy for Waste' maintains the same structure as proposed in the consultation document, but incorporates changes in the light of the responses to the consultation exercise. The Government considers that the final updated waste policy 'National Planning Policy for Waste' will provide an easily understood waste planning policy framework at the national level which can be followed by local authorities, waste developers and local communities alike.

Overview of Responses

7. A total of 115 responses were received to the proposals set out in the consultation document. The table below indicates the profile of the respondents.

Respondent type	Number of respondents	% of total respondents
Local authorities and public sector organisations	63	55%
Business and private sector organisations	35	31%
Individuals	6	5%
Parish and town councils	4	3%
Other	7	6%

8. The consultation invited suggestions and comments on the proposed updated policy through five questions on the overall approach and particular aspects of the policy, and one question on suggested inclusions to the proposed planning guidance to support the policy. A summary of the responses received, and how the Government has responded to these, are set out below.

Summary of responses by question

Overall policy approach

Question 1: Existing national waste policy in Planning Policy Statement 10 has been well-supported, so the Government has focussed on streamlining the policy in line with National Planning Policy Framework principles rather than introduce radically new proposals. **Do you agree with this approach? Do you think there is anything fundamentally missing from the updated policy that must be included?**

9. The majority of respondents (90%) agreed with the approach taken in the updated national waste policy. They welcomed the consolidation, streamlining and updating of Planning Policy Statement 10, and considered that many of the important principles set out in the policy had been successfully carried forward in the update. A number of respondents considered that the policy approach in Planning Policy Statement 10 had helped to deliver substantial improvements in recycling and waste reduction, and welcomed the continuity as reflected in the update.
10. Set against this, 30% of respondents felt that there were a number of significant omissions as a result of the streamlining of the policy, including:
- more clarity is needed on which particular waste streams should be included within waste plans
 - an overemphasis in the policy on the handling of municipal, commercial and industrial waste compared to other waste streams
 - a bolder scope which is clear that landfill must be the last resort in terms of dealing with waste
 - the contribution of the policy towards economic development and resilience, particularly the employment derived from sustainable waste development
 - the need for waste to be an integral part of local plan making, sitting alongside other key planning considerations like transport, housing and economic development
 - the risk of health impacts in respect of waste management facility applications being treated differently from that for other commercial or industrial development
 - more clarity on the role of the London Plan in respect to waste
 - developing the approach to collaborative working between planning authorities to clarify what authorities are required to do in order to meet the duty to cooperate
 - explicit support for Waste Technical Advisory Boards as they provide an effective forum for sub-national collaboration and co-operation in data collection.

Government response

11. The Government considers that the updated policy provides a positive and coherent framework for sustainable waste management. It gives a clear direction for local authorities, the industry and others to meet the waste management needs of local communities. Taking the omissions identified above in turn, the Government does not agree that the policy approach is focused heavily towards municipal, commercial and industrial waste rather than other waste streams. The updated policy carries forward the sections in Planning Policy Statement 10 on the identification of waste tonnages particularly (but not exclusively) for these waste streams. However, the overarching policy makes it clear that waste planning authorities should plan for the sustainable management of all the waste in their areas, to cater for the needs of their communities. The Government proposes to support this approach with guidance on the waste streams that should be considered.
12. The policy approach reflects the principles behind the waste hierarchy, with landfill identified as the last, least desirable option, but one that nonetheless still has to be properly managed and catered for. The introductory text has been strengthened to set out a positive policy framework for planning for waste. This includes how the policy contributes to sustainable development objectives, emphasising the importance of waste management being considered alongside other key spatial land uses. Text has been added which clarifies that waste planning authorities should avoid carrying out their own health studies and assessments. A reference has also been added to the policy in respect to the approach to planning for waste in London.
13. The text has been slightly amended from that put forward at consultation to reflect the importance of waste planning authorities working collaboratively with each other and their district authorities in managing waste needs, in line with the legal duty to cooperate created under the Localism Act 2011. New wording makes clear the expectation that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities when planning for waste, as well as the need for early and meaningful engagement with local communities in respect to preparing Local Plans and proposals, reflecting existing policy in the National Planning Policy Framework. The Planning Practice Guidance published in March 2014 to support the National Planning Policy Framework gives practical advice about community engagement as well as the application of the duty to cooperate between authorities, including two-tier local planning authorities, and other public bodies. The Government will build on this guidance in respect to waste management in the waste planning guidance.
14. The role and composition of Regional Technical Advisory Bodies were relevant to the development and implementation of the Regional Strategies, which have since been abolished by the Government through powers under the Localism Act 2011. There is no reason why local authorities, working with industry and other non-Government organisations, cannot come together to work on mutual waste interests.

Waste data and information

Question 2: The updated policy states that local planning authorities should ensure that the planned provision of new capacity and its spatial distribution is based on robust analysis of available data and information. **Do you think that sufficient data and information exists to allow waste planning authorities to adequately plan for provision of new capacity? What changes to the updated policy, if any, do you consider are necessary to achieve this?**

15. The majority (70%) of respondents agreed that sufficient data exists on municipal waste, but that data for other waste streams is inadequate. Respondents agreed that waste planning should be underpinned by the robust analysis of data, however, the availability of comprehensive data continues to be a significant problem. It was felt that national waste data was based on old, outdated studies or surveys that used small data samples which were unrepresentative.
16. Respondents felt that the evidence base for all waste streams should be improved. A number of respondents suggested that a Government-led resource is needed to offer local authorities technical advice and relevant waste data to inform the preparation of Local plans. Also, local authorities should plan on the best available information as is set out in Planning Policy Statement 10.
17. While monitoring the delivery of sustainable waste management was supported, a number of respondents felt that waste planning authorities should also be required to report on existing waste capacity and the amounts of waste recycled, recovered or going to disposal.

Government response

18. The policy requires local authorities to ensure that the provision of new waste capacity is based upon a robust analysis of the best available data. Building on advice contained in the Companion Guide to Planning Policy Statement 10, the Government will set out in the practice guidance the key principles that should be adopted, and potential data sources that could be drawn from, to support waste planning authorities in informing the preparation of their local plans.
19. The Government recognises that there are challenges in obtaining up-to-date and reliable waste data on those waste streams other than municipal waste. It supports an approach to plan and decision making based upon the best available data. Additional wording has been added to the policy to make clear that spurious precision in respect to evidence should be avoided given the cost and resource implications. The policy has also been amended to make clear that local authorities should both monitor and report on their waste arising and waste amounts.

Policy requirements for the identification of suitable waste sites

Question 3: The policy sets out the requirements for identifying sites for new development, including the proximity principle and assessment criteria. **Do you agree with the requirements set out for identifying sites, including the policy additions on the potential for utilising heat and the siting alongside waste sewage treatment works in respect of energy from waste schemes?**

20. The majority (60%) of respondents agreed with the requirements set out in the policy for identifying suitable sites, with some suggesting minor textual changes. A number of respondents welcomed the proposal to encourage the use of heat as an energy source where energy from waste development was being considered. However, they also highlighted the practical difficulties in locating such facilities close to heat outlets to make schemes commercially viable. Many waste businesses and waste representative organisations considered the perceived emphasis towards sewage treatment works to be too limiting and that co-locating with a range of other “heat hungry” developments should be emphasised.
21. Some respondents expressed concern, linked to question one, that the “nearest available installations” aspect of the proximity principle is referred to only in respect to the disposal and recovery of mixed municipal waste. Further guidance was also needed on how the proximity principle is to be operated in practice.

Government Response

22. The Government intends to take forward the approach set out in the consultation for assessing and identifying suitable sites for waste development. However, the policy has been strengthened by bringing the proposal to encourage the use of heat as an energy source (where energy from waste development is being considered) into the main text rather than as a supporting footnote. It also recognises the ability to locate energy from waste facilities close to other “heat hungry” developments. The potential to locate suitable energy recovery facilities closer to heat customers as a generality, which could therefore include sewage treatment works, removes the need to highlight those works in particular as had been proposed in the consultation draft.
23. References to the proximity principle in the policy reflect the principles of self-sufficiency and proximity as set out in the Waste Regulations 2011, which transposes Directive 2008/98EC on waste into English law. The text has been slightly amended so that the reference is to the proximity principle generally, hyper-linking to the relevant paragraph of the Waste Regulations 2011, rather than just a particular aspect of the principle. To help implementation, the Government will provide further advice on the application of the proximity principle in the guidance supporting the updated policy.
24. The Government believes that this approach will enable waste planning authorities, working collaboratively, to identify practical solutions through their plan and decision making to meet their individual and collective waste needs.

Locational criteria for identifying suitable waste sites

Question 4: The Government considers that, with minor amendment, the locational criteria which should steer selection of the suitability of areas or sites for waste are still appropriate and comprehensive. **Do you agree with the locational criteria? If not, what should be changed?**

25. The majority (70%) agreed with the locational criteria set out in appendix B of the policy, noting that they had been reproduced from existing Planning Policy Statement 10 and were still generally appropriate. However, a number of comments identified that clarification was needed in respect to:

- the need to consider other key spatial land uses alongside waste, for example transport, housing and economic development
- consent and operational capacity issues. The policy refers to waste management capacity that has planning consent but is not operational - this appears to contradict recent planning decisions where only operational capacity was taken into account. Moreover, there is hundreds of thousands of tonnes of waste management capacity with planning consent that has never become operational
- some of the locational criteria set out in appendix B relate to on-site, regulatory management in respect to pollution control.

Government Response

26. The updated policy needs to be read alongside the National Planning Policy Framework. Both the Framework and this national waste planning policy constitute guidance for local authorities and decision takers, both in drawing up local plans and as material considerations in determining planning applications. Both should be read together to understand the relationship between planning for waste and other land uses like housing, business, infrastructure and the environment.

27. The policy has been clarified to make it clear that in both preparing local plans and determining planning applications, only existing operational capacity should be taken into account when assessing need.

28. The Government considers that the principles behind the proposed locational criteria set out in appendix B are appropriate for assessing the suitability of waste sites. Changes have been made to clarify the considerations under some of the criteria. In addition, the text has been developed to make clear that in assessing site suitability when preparing their local plans, local authorities should apply the criteria to the appropriate level of detail. The policy under paragraph 7 has been clarified to reflect circumstances where proposals for waste management facilities cut across up-to-date Local Plans.

29. The policy already draws the distinction between planning and pollution control considerations. However, reflecting concerns raised in the consultation, the Government has re-inserted wording that makes it clear that waste planning authorities should assume that the relevant pollution control regime will be properly applied and enforced. The Government will provide further guidance on the

relationship between planning and other regulatory regimes in the waste planning guidance.

Policy approach to waste facilities and the Green Belt

Question 5: Are you content with the proposed policy approach concerning the consideration of proposals for waste facilities in the Green Belt?

30. The majority of respondents (75%) considered that the updated policy would have a negative impact in terms of proposals for waste management facilities in the Green Belt. It was felt that the policy is less flexible than that set out in Planning Policy Statement 10, which would make it harder to give consent to development which would not harm the openness of the Green Belt and which would have been acceptable previously. A number of respondents referred to appropriate waste facilities in the Green Belt such as anaerobic digestion and composting plants, both of which are not generally suitable for urban locations and are better located close to their feedstocks where the outputs would be used. Some respondents also felt that the change in policy approach may lead to facilities being located at greater distances from waste arisings, leading to greater carbon emissions from transportation.
31. The remaining 25% welcomed the proposed approach on the basis that the policy in Planning Policy Statement 10 was too open and permissive, with the result that some waste facilities had been inappropriately located in rural locations.

Government response

32. The Government attaches great importance to the protection of the Green Belt. As set out in the National Planning Policy Framework, most new development is inappropriate in the Green Belt and should not be approved except in very special circumstances. The Government therefore intends to take forward the approach set out in the consultation, which means that national waste planning policy reflects the approach to Green Belt in the National Planning Policy Framework. Waste management facilities will be considered to be inappropriate development which should not be approved, except in very special circumstances.
33. The Government has clarified the wording in the consultation to emphasise the special protection given to the Green Belt in respect to development, and that when preparing Local Plans, waste planning authorities should work collaboratively to identify suitable sites and locations for waste management facilities to avoid putting pressure on the Green Belt from inappropriate development.

Guidance supporting the policy

Question 6: Alongside this consultation exercise, the Government will be preparing guidance to support the policy in line with the principles set out by Lord Taylor of Goss Moor. **Are there any specific parts of the existing Planning Policy Statement 10 Companion Guide or Guidance to local authorities on implementing the EU Waste Framework Directive that you wish to see carried forward? Are there any other areas where guidance is required?**

34. The majority (60%) of respondents requested that most of the guidance in the Planning Policy Statement 10 Companion Guide and the EU Waste Framework Directive guidance should be included in the proposed guidance supporting the updated policy. Other areas identified for inclusion were:

- defining categories of waste
- waste planning needs to reflect on-going work on Very Low Level Radioactive waste and Naturally Occurring Radioactive Materials
- design quality
- strategic cross-boundary movements
- the strategic role of heat mapping in providing an evidence base for Combined Heat and Power
- the application of the proximity principle
- the relationship between planning and other regulatory regimes
- the importance and scope for regular reviews of waste plans.

Government Response

35. In preparing the waste guidance, the Government has used the 'question and answer' format adopted for the planning guidance published in March 2014 to support the National Planning Policy Framework. This shorter, more streamlined, guidance format will improve its usability and accessibility for everyone using the planning system. The waste guidance takes into account previous guidance in the Planning Policy Statement 10 Companion Guide and the EU Waste Framework Directive guidance. The views put forward by respondents as set out above have also helped to shape the content of the guidance.