

Planning Policy Guidance 10: Planning and waste management

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Preface

Planning Policy Guidance Notes set out the Government's policies on different aspects of planning. They must be taken into account by local planning authorities as they prepare their development plans and may be material to decisions on individual planning applications.

PPG23 (July, 1994) gave guidance on the relevance of pollution controls to the exercise of planning functions in England. It also set out policies in respect of waste management. The purpose of the present PPG is to bring that guidance on planning for waste management up to date with developments in waste policy and the setting up of the Environment Agency under the Environment Act 1995. It will, in due course, need to be read in conjunction with the waste strategy for England and Wales, due to be adopted in late 1999/ early 2000 in accordance with section 44A of the Environmental Protection Act 1990; but should be read, in the meantime, in conjunction with the approach to waste policy set out in *Making Waste Work: A Strategy for Sustainable Waste Management in England and Wales* and the draft waste strategy *A Way With Waste* issued in June 1999. Later strategy statements should be given appropriate weight in informing the development of planning policies.

The guidance in this note replaces the parts of PPG23 which dealt specifically with waste management issues. The remainder of PPG23 is due for review in 1999-2000 but, meanwhile, remains valid. The sections which have been replaced and those which remain valid are listed in the following table.

Parts of PPG23 replaced by the present PPG:		Parts of PPG23 which are still valid:	
Paragraphs	1.24-1.28 2.2-2.9 2.16 2.20-2.27 5.1-5.19	Paragraphs	1.1-1.23 1.29-1.39 2.1 2.10-2.15 2.17-2.19 2.28-2.29 3.1-3.29 4.1-4.13 6.1-6.2
Annex	4	Annexes	1-3
Annexes	6-7	Annex	5
Annex	11	Annexes	8-10

Introduction

1. It is widely recognised that the way in which we, as a society, manage the waste we produce, needs to change if we are to ensure that our environment is better protected both now and for future generations. The Government intends to set out a policy framework for sustainable waste management within which stakeholders can plan and take waste management decisions, which reduces the amount of waste we produce, and, where waste is produced, deals with it in a way that contributes to the economic, social and environmental goals of sustainable development. The Government has recently published for consultation its revised waste strategy *A Way With Waste*, with a view to final publication in late 1999 or early 2000. This will replace the 1995 White Paper *Making Waste Work: A Strategy for Sustainable Waste Management in England and Wales* (Cm 3040, 1995).

2. This guidance note provides advice about how the land-use planning system should contribute to sustainable waste management through the provision of the required waste management facilities in England and explains how this provision is regulated under the statutory planning and waste management systems.

3. The guidance sets out the general policy context and the criteria for siting facilities. It deals with the relationship between the planning system and the waste management licensing regime. It emphasises the increasing importance of planning for waste management at the regional level and makes recommendations about how that process should be strengthened. It will assist waste planning authorities (WPAs) in the preparation of waste development plans and the determination of planning applications for waste management facilities. It should also be of benefit to all other interested parties, including local authorities, the Environment Agency, the waste industry and the public. The guidance relates primarily to the management of 'controlled wastes', ie, household, commercial and industrial wastes. It does not favour particular waste management solutions. This will be a matter for individual WPAs, informed by the national waste strategy and consideration of the Best Practicable Environmental Option (BPEO) for each waste stream.

4. Reference is made within this Guidance Note to the new draft waste strategy *A Way With Waste*. This builds on the proposals set out in the earlier consultation paper *Less Waste - More Value*, and sets out the Government's proposed approach to waste management issues. Until the revised waste strategy is finalised, this Guidance Note should be read in the context of the existing strategy set out in *Making Waste Work*, as amended by statements in the new draft waste strategy. This should be given appropriate weight in the formulation of planning policies, as a statement of emerging Government policy on the management of waste.

The waste planning framework

Introduction

5. The land-use planning system has an important role to play in achieving sustainable waste management. It 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 waste¹;

b. to help meet the needs of business and encourage competitiveness;

c. to encourage sensitive waste management practices in order to preserve or enhance the overall quality of the environment and avoid risks to human health;

d. to have regard to the need to protect areas of designated landscape and nature conservation value from inappropriate development;

e. to minimise adverse environmental impacts resulting from the handling, processing, transport and disposal of waste;

f. to consider what new facilities may be needed, in the light of wastes forecast to arise; and,

g. to ensure that opportunities for incorporating re-use/recycling facilities in new developments are properly considered.

6. The Government wish to see future waste management decisions based on the following principles:

a consideration of the Best Practicable Environmental Option for each waste stream;

b regional self-sufficiency;

c. the proximity principle; and a waste hierarchy. These are described in box 1.

Box 1

Principles of waste management

a) Best Practicable Environmental Option (BPEO)

This has been defined by the Royal Commission on Environmental Pollution as "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".

b) Regional self-sufficiency

Most waste should be treated or disposed of within the region in which it is produced. Each region should provide for facilities with sufficient capacity to manage the quantity of waste expected to need to be dealt with in that area for at least 10 years. In some cases however it may be necessary to recognise units smaller than regions but larger than WPAs. WPAs should make adequate provision in their development plans for any waste management facilities which may be needed, taking account of the advice of the Regional Planning Body for their area.

c) Proximity Principle

Waste should generally be managed as near as possible to its place of production, because transporting waste itself has an environmental impact.

d) Waste Hierarchy

This is a theoretical framework which acts as a guide to the waste management options which should be considered when assessing the BPEO.

The Government's present position on each of these principles is set out in the consultative draft waste strategy published in June 1999. WPAs should take account of these principles in planning for current and future waste arisings.

7. The waste hierarchy, the proximity principle and regional self-sufficiency all need to be taken into account in identifying the combination of facilities and other waste management options which give the best balance between environmental, social and economic needs.

8. WPAs will need to develop waste planning strategies for their area, which should take account of:

- a. obligations required by European legislation;
- b. the policies and principles of waste management set out in the Government's emerging waste strategy;
- c. national and regional planning guidance on waste;
- d. strategies prepared by the Regional Technical Advisory Bodies (RTABs) - (see paragraph 17).

European legislation

9. A number of European Community Directives are relevant to WPAs' activities. In particular:

- a. the Framework Directive on Waste (75/442/EEC as amended by 91/156/EEC);
- b. the Hazardous Waste Directive (91/689/EEC);
- c. the Landfill Directive. This should become law in the UK by 2001;

d. the Groundwater Directive (80/68/EEC);

e. The Assessment of the Effects of Certain Public and Private Projects on the Environment (the EIA Directive') (Directive 85/337 EEC as amended by Directive 97/11/EC); and

f. the Urban Waste Water Directive (91/271/EEC).

10. WPAs should also have regard to the European Waste Strategy (97/C76/01), the European Habitats and Species Directive (92/43/EEC) and any other Directives adopted since the publication of this Guidance note which might influence the siting and operation of waste management facilities.

Regional Planning Guidance

11. Regional Planning Guidance (RPG) prepared by the Regional Planning Bodies (RPBs) has a key role to play in the management of waste, since waste arisings, and opportunities for treatment or disposal, do not occur uniformly across regions. WPAs should take account of existing RPGs and PPG11 Regional Planning Guidance (currently in draft form), in the preparation of their waste development plans. As RPG is reviewed and revised in accordance with the principles set out in PPG11 it will set regional waste management capacity and disposal targets to promote sustainable waste management and alternatives to disposal by landfill. It will set indicators for the achievement of these targets which can be regularly monitored, and will assess the need for, and broad locations of, regionally significant waste facilities. RPG for waste management should be informed by the work of the Regional Technical Advisory Bodies, and should be consistent with European and national legislation, policies and guidance.

¹As defined in Regulation 2 of the Special Waste Regulations 1996.

The main organisations and their responsibilities

Waste Planning Authorities

12. The term 'waste planning authority' (WPA) applies to the local authorities with responsibility for land-use planning control over waste management. It is the responsibility of WPAs to ensure that there is an adequate framework in their development plans to enable the waste management industry to establish appropriate waste management facilities, in a way which meets the objectives of sustainable development.

13. The planning policy framework should take account of amenity and resource considerations, the Government's emerging waste strategy, and relevant EC Directives (see paragraph 9). In preparing this, WPAs should consult their neighbouring WPAs, the RPBs, waste disposal authorities (WDAs), waste collection authorities (WCAs), the Environment Agency and the waste management industry. They should draw upon all relevant sources of information, and establish the amounts of waste which will need to be managed within their areas over a period of at least 10 years. This work should be informed by any regional level assessments prepared by the RTABs for the RPBs, and by any available RPG. Planning for waste management will be most effectively achieved through close working relationships and a full exchange of information between authorities in a region. The Government takes the view that such co-ordination is best ensured through implementation of joint Municipal Waste Management Strategies. Mechanisms for ensuring waste management has an adequate regional framework are outlined in paragraphs 11 and 17, and Annex B.

Waste Disposal Authorities

14. WDAs are responsible for the safe management of household and some commercial wastes arising in their areas. The Environmental Protection Act 1990 requires local authorities to transfer their waste disposal facilities either to a partly-owned arms-length Local Authority Waste Disposal Company (LAWDC) or directly into the private sector and to carry out their waste disposal responsibilities exclusively through contracts. Most WDAs have achieved this. The Government's intention is that, subject to Parliamentary approval, this requirement will be replaced by a general requirement on local authorities to secure best value for the provision of their services.

Waste Collection Authorities

15. WCAs are responsible for the safe and efficient collection of household and some commercial wastes arising in their areas. They have a duty to prepare and publicise waste recycling plans. These set out the authority's existing and proposed arrangements for recycling household and commercial waste.

16. These plans should be reviewed and updated as necessary and should be taken fully into account by WPAs. WCAs should take account of Departmental guidance to local authorities on preparing and revising recycling strategies and recycling plans. This guidance encourages close and effective liaison between the relevant WDAs and their constituent WCAs and between adjoining WDAs on waste management.

Regional Technical Advisory Bodies

17. WPAs cannot properly consider the needs of their own areas in isolation because waste management solutions, in accordance with BPEO principles, may sometimes need to cross WPA or

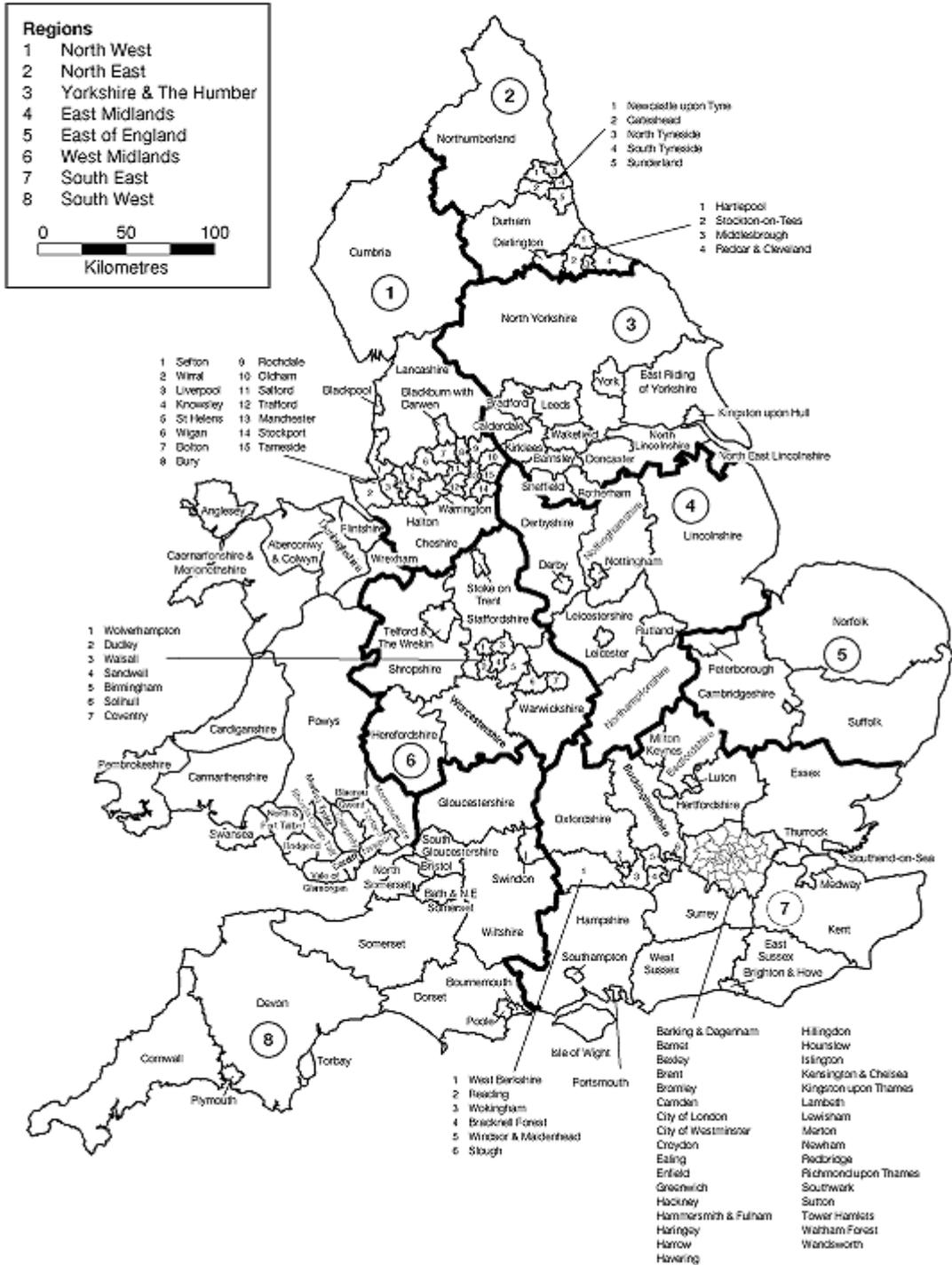
regional boundaries. In some circumstances, acceptable options for the local management of some types of wastes may not be available. The Government, therefore, wishes to see the setting up of Regional Technical Advisory Bodies (RTABs). These should advise the existing RPBs (for the regional planning areas shown in Figure 1). They would assemble relevant data and provide advice on options and strategies for dealing with the waste that needs to be managed within each region. Further information on the composition, role and responsibilities of these bodies is in Annex B.

Environment Agency

18. The Environment Agency aims to prevent or minimise the effects of pollution on the environment. It issues waste management licences and is responsible for the enforcement of any conditions it imposes. It also has an important role in providing up to date information on waste arisings and the extent of, and need for, management and disposal facilities. It will publish this and other relevant information in a report known as a Strategic Waste Management Assessment for each planning region. The first set of these reports is expected in 2000. WPAs must consult the Environment Agency when preparing their waste development plan to ensure that environmental objectives are not adversely affected.

Figure 1

Regional Planning Areas



The relationship between the planning system and waste management licensing

19. Decisions on land-use planning matters are the responsibility of WPAs, not the Environment Agency. WPAs should, however, take the Agency's advice into account when developing their policies and taking decisions. The Agency's role in the regulation and enforcement of waste management is complementary to that of the WPAs. A number of the Agency's activities involve close liaison with local authorities. WPAs are expected to work closely with the Agency to ensure that the best use is made of its expertise and information, and to avoid duplication between the planning and pollution control systems. Liaison should be effective at both the strategic planning and development control levels.

20. WPAs will need information on projected waste arisings, recycling and recovery levels and extent of existing facilities in order to formulate policies and proposals for waste management facilities in development plans, and in deciding individual planning applications. Much of this information will come from regular surveys undertaken by the Environment Agency. WCAs, WDAs and WPAs will need to assist the Agency when it undertakes these surveys. The Agency will present the information it gathers at the district/borough level. In addition, the RTABs will need to specify the information they require from the surveys. The RTABs and the Environment Agency may also be able to provide additional information and advice to WPAs (see Annex D). The full results of a national waste survey by the Agency are likely to become available later in 1999. Meanwhile, the Agency is collating the results of other recent surveys and site returns to provide the best current national picture of waste arisings. Until new sources are available, WPAs will need to rely on existing sources of information (see Annex D) to estimate future requirements for waste management facilities within their areas.

21. WPAs, in respect of waste facilities, and other local planning authorities for other developments, must consult the Environment Agency when they consider planning applications on, or near, former waste facilities, such as landfill sites, in order to:

- a. reduce the risk of conflicting requirements;
- b. avoid duplication of controls being imposed on developers under the planning and pollution control regimes; and
- c. reduce the risk that subsequent development may damage or disrupt pollution prevention measures taken at current or former facilities;

22. The Environment Agency is required to consult the WPA when waste management licences are being considered. Where a waste management licence is sought for the use of land for which planning permission is required, planning approval has to be obtained before the Agency can grant a licence, unless the waste management facility is regulated through the integrated pollution control (IPC) or local air pollution control (LAPC) regimes. It is important that there is effective liaison between the WPA and the appropriate pollution control regulator (the Environment Agency for IPC and the district council/unitary authority for LAPC). Developers who are considering the provision of any waste management facility should discuss the proposal with both the WPA and the relevant pollution control regulator at the earliest opportunity to identify any potential problems and to consider how these might be overcome.

23. Planning permission and waste management licensing are separate requirements. If the Environment Agency receives a notice for registration of a site as exempt from licensing, it may wish to suggest that the notifier contact the WPA to determine whether planning permission is required. Permission will normally be required even if a site is exempt from licensing. WPAs

should, similarly, remind the notifier of the need to secure a licence from, or register for an exemption with, the Environment Agency. The Environment Agency may wish to inform WPAs of exemptions so registered.

Development plans

General

24. Development Plans for waste should provide a clear guide to the waste management industry and to the public on the land-use policies of the WPA for managing waste in its area.

25. The preparation of development plans is governed by the Town and Country Planning Act 1990. Two important changes to these provisions were introduced by the Planning and Compensation Act 1991. These were:

a. waste local plans (WLPs) or minerals and waste local plans (MWLPs) are required to be prepared by county councils and some unitary authorities;

b. unitary authorities preparing a district-wide local plan may be authorised by the Secretary of State to include waste policies in it; other districts in areas of two-tier local government should exclude waste policies from their local plan. National Park authorities are required either to include minerals and waste policies in their park-wide local plans or prepare a separate WLP or MWLP.

26. In London, under the new arrangements proposed for the Greater London Authority, London boroughs will remain the unitary development planning authorities for their areas, but the Mayor will produce a Spatial Development Strategy for London as a whole. The Mayor will also produce a Municipal Waste Management Strategy for London. Both of these strategies will have statutory force.

27. A unitary authority which has been given structure and local plan responsibilities may wish to consider the benefits of preparing a joint WLP with one or more neighbouring authorities under Section 50 of the Town and Country Planning Act 1990. Where this PPG refers to WLPs it should be taken to apply to:

a. WLPs or MWLPs prepared by county councils, unitary authorities or National Park authorities;

b. district-wide local plans prepared by unitary authorities (where they are authorised by the Secretary of State to include waste policies in their local plan);

c. National Park local plans incorporating waste policies; and

d. UDPs Part II.

28. In drawing up land-use policies and proposals for their plans, WPAs should appraise the policy options in terms of their social, environmental and economic effects to demonstrate that:

a. all practicable options have been assessed; and

b. the selected policies represent the best balance of social, environmental and economic costs and benefits, after full consideration of the BPEO and the principles of sustainable development.

29. In ensuring that an adequate planning framework is in place for the provision of facilities by the waste management industry, WPAs should:

a. prepare their WLPs as soon as possible, based on the most accurate information available;

b. carefully consider the environmental implications of all waste management proposals;

c. be guided by the national waste strategy and the need to maximise, so far as is practicable, regional self-sufficiency;

d. have regard to national, regional or strategic planning guidance, relevant EC Directives, other relevant statements of Government policy and advice from the RPBs;

e. be challenging but realistic about the scope which options for waste management may provide for reducing the amount of waste which requires final disposal;

f. where possible, identify in their development plans sites for waste management and disposal facilities over the period of the plan, including facilities for the management of waste with specific requirements, such as special waste;

g. carefully consider the siting of waste facilities in relation to existing and, where possible, potential surrounding land-uses;

h. take care that a lack of adequate facilities for management in one plan area should not lead to waste being transported long distances to management facilities in other areas, contrary to the proximity principle or the desirability of regional self-sufficiency;

i. bear in mind that the waste market is constantly changing. As new waste minimisation and re-use initiatives are developed, for example when new markets open up for recycled products or as emerging technology is applied, the requirements for different types of waste management facilities will change. Legislative change, at the national or European level, can have a similar impact. The planning system should not inhibit the ability of the waste management industry to adapt to such trends, which should be taken into account when waste policies in development plans are reviewed;

j. balance other land-use policies and objectives with the need to provide an adequate network of waste processing and disposal facilities; and

k. make adequate allowance for waste that may be brought into the WPA's area, in assessing the need for future requirements.

30. The process of preparing and reviewing development plans for waste management provides an opportunity for local policies to be tested in the light of Government guidance. Further advice is contained in *Environmental Appraisal of Development Plans: A Good Practice Guide* published by HMSO, November 1993, £10, (ISBN 0-11-752866-8).

Structure plans and Part I of UDPs

31. The overall aim of a structure plan or of a UDP Part I is to set the broad framework for planning and development control locally. These plans can make a major contribution to the achievement of the Government's objectives for sustainable development. Policies in such plans should set out the WPA's overall planning strategy for waste management throughout the plan period within the regional context. The structure plan policies on waste management should be accompanied by an explanatory memorandum. In the case of UDPs a written justification for Part I policies should be included in Part II of the plan. The explanatory memorandum or written justification should support the waste planning policies and proposals and should indicate, in particular, how these relate to:

a. Government policy set out in Planning Policy Guidance, Minerals Planning Guidance and Regional Planning Guidance;

b. waste planning policies and proposals of neighbouring areas;

c. the national waste strategy;

d. regional self-sufficiency;

e. the BPEO;

f. the proximity principle;

- g. municipal waste management strategies; and
- h. provisions of any relevant local plan or UDP Part II.

32. All policies relating to waste planning should normally be within a self-contained section of the structure plan. If this is impracticable, cross-references to other relevant parts of the plan should be provided so that the overall shape of the policies for waste management can readily be identified by those concerned.

Waste local plans and Part II of UDPs

33. Policies and proposals in a WLP or in Part II of a UDP should give detailed expression over the plan period to the strategic waste planning policies contained in the relevant structure plan or Part I of the UDP and should provide the context for development control. WLPs should have regard to any waste disposal plans and minerals local plans for their area, and to any relevant policies for waste minimisation and recycling. Consideration should also be given to the preparation of joint plans where this would be beneficial. Plans should identify existing waste management sites with capacity for the future and, where practicable, new or extended sites sufficient to make adequate future provision of waste management facilities. Sites suitable for the disposal of special wastes should be identified. Where new or replacement facilities are needed, preferred locations should be identified. Where specific locations are not identified, WPAs should indicate either 'areas of search' within which particular facilities might be acceptable on planning grounds, or identify comprehensive criteria against which applications for the development of waste management facilities could be considered. Identification of specific sites for development is the best way that the planning system can make provision for future waste management facilities. If this is not possible, WLPs should justify why this approach has not been followed. WLPs and district local plans should also consider the need to safeguard possible sites for future waste management use. WPAs should include policies which require consideration of all the options for managing waste generated, including waste arising from major new development proposals, and demonstrate that the preferred policies are consistent with the BPEO.

34. WPAs should plan for a provision of waste management facilities that is consistent with forecasts of local and regional requirements, as well as other planning considerations. These include the protection of the environment and the community, the BPEO, the proximity principle and regional self-sufficiency. They should not seek to prohibit the development of particular types of waste facility unless they are confident that adequate alternative facilities will be available in their area. They should recognise that, whilst it can be valuable to set targets for the various waste management options, there is no guarantee that these will always be met.

Waste management statements

35. Where it is considered that the structure plan does not provide a sufficiently comprehensive framework for a WLP, particularly when a waste disposal plan has not been prepared, WPAs may find it beneficial to prepare a statement for waste planning and management to inform the preparation of the WLP. These non-statutory documents, which could, if appropriate, be contained within the joint municipal waste management strategies proposed by the Review Group on the Local Authority Role in Recycling, might contain more broadly based policies than would be appropriate for a development plan. They could also play a useful role locally in establishing the case for new facilities or in assessing the likely impact of waste reduction and recycling initiatives on the future generation of waste requiring disposal. However, WPAs should not rely on, or use, any policies in a waste management statement for development control purposes, although these may be a material consideration when considering individual planning applications. Nor should the

production of such documents and consultation on them delay the preparation of statutory waste development plans; WLPs are an essential requirement of the plan-led system and should continue to be prepared as quickly as possible.

Review of plans

36. It is important that plans are regularly reviewed because the extent to which a plan is up to date may be a material consideration in the determination of a planning application. In addition, where there is a conflict between provisions in a local plan and provisions in a WLP (or MWLP), the more recently adopted or approved provisions prevail.

37. New information gained as a result of monitoring, experience obtained through implementing waste policies in the development plan, results of deliberations by RPBs, or data and analysis prepared by the RTABs, may, for example, indicate that a plan or part of it needs alteration or replacement.

38. If a structure plan is altered or replaced, WPAs should ensure that the relevant WLPs are kept up to date. A balance has to be struck, however, between keeping plans up to date and altering them too frequently. WLPs should cover a period of at least 10 years and, in general, reviews which look forward for a similar period, should be completed every 5 years.

Development control

Planning Control

39. The planning system should enable adequate provision to be made for waste management facilities in appropriate locations, without undue adverse environmental effects or nuisance. It should also control other forms of development in proximity to potential sources of pollution. It deals with the acceptability of a proposed development in terms of the use of land, and not the control of processes which is, in the case of wastes, a matter for the Environment Agency. Advice on possible material planning considerations in connection with potentially polluting developments is currently contained in paragraph 3.2 of PPG23.

Planning considerations and conditions

40. A variety of considerations need to be taken into account in planning for the management and disposal of waste. Many of these are dealt with in detail in other planning guidance notes, as follows:

National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty	Planning Policy Guidance Note 7, <i>The Countryside - Environmental Quality and Economic and Social Development</i> (1997)
Sites of Special Scientific Interest, National Nature Reserves, Special Protection Areas, Special Areas of Conservation and Ramsar Sites	Planning Policy Guidance Note 9, <i>Nature Conservation</i> (1994)
Historic Environment	Planning Policy Guidance Note 15, <i>Planning and the Historic Environment</i> and Planning Policy Guidance Note 16, <i>Archaeology and Planning</i>
Green Belt	Planning Policy Guidance Note 2, <i>Green Belts</i> (1995)
Agricultural Land	Planning Policy Guidance Note 7, <i>The Countryside - Environmental Quality and Economic and Social Development</i> (1997)
Local countryside designations, such as Areas of Great Landscape Value	Planning Policy Guidance Note 7, <i>The Countryside - Environmental Quality and Economic and Social Development</i> (1997)

41. The effects of waste management facilities on other land may also be material considerations at the development control stage. These may include proximity to other development, impacts on amenity (PPG23, *Planning and Pollution Control* paragraphs 1.32-1.33), transportation (PPG13, *Transport*), land instability (PPG14, *Development on Unstable Land*), and the potential for restoration and aftercare of the site (MPG7, *The Reclamation of Mineral Workings*).

42. Local environmental effects such as noise (PPG24, *Planning and Noise*), pollution, contamination, dust, odour, the attraction of vermin or birds, and litter may also need to be taken into account together with other issues such as access and hours of working. A wide range of issues may therefore be material when considering a planning application, though many are controlled through the waste management licensing regime rather than through planning conditions. Whilst it is inevitable that some overlap will occur between the planning and pollution control systems,

duplication should be kept to a minimum if there is effective liaison when individual proposals are considered. Planning considerations and conditions are discussed in Annex A.

Environmental impact assessment and site investigation

43. Planning decisions should be based on sound information. Operators in the waste industry, WPAs and the Environment Agency should discuss the need for, scope and requirements of site investigation at the earliest opportunity. WPAs must also consider the need for environmental impact assessment, to assess and provide pointers to the mitigation of the environmental impacts of a proposed development, even if it accords with the development plan and relevant EC Directives. If an environmental impact assessment is required, the developer may ask the WPA for their opinion on the scope of an Environmental Statement before submitting the application for development consent. In such cases, the WPA must consult the relevant consultation bodies, which includes the Environment Agency, other bodies holding environmental information and the developer before giving their opinion. This will ensure that all relevant environmental issues are identified and appropriately addressed. Some of this information may also be required for consideration of a pollution control authorisation. Preparing planning and pollution control applications in parallel, based on the same information, will help to minimise delays and costs. Advice on Environmental Impact Assessment is contained in Annex 9 of PPG23. Advice on dealing with Integrated Pollution Control and Environmental Impact Assessment together, where both are required, is contained in Annex 8 of PPG23. The advice relating to Environmental Impact Assessment in Annexes 8 and 9 of PPG23 must be read in conjunction with the Regulations in SI 293 1999 (Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999) and related guidance in Circular 2/99.

Monitoring and Enforcement

44. Monitoring and enforcement of planning conditions will be assisted if Environment Agency officials report to the relevant WPA any suspected breaches of planning conditions noted during site visits. Similarly, WPA officials who suspect breaches of waste management licensing conditions should report them to the Agency. Post-approval liaison between WPAs and the Agency should include the exchange of information regarding compliance with controls imposed by the other authority at each waste management facility.

Annex A

Planning considerations and planning conditions

Introduction

A1. Waste Planning Authorities (WPAs) should consider the provision of waste management facilities within the context of:

- a. the current national waste strategy;
- b. the best practicable environmental option;
- c. local and regional requirements for the management and disposal of waste;
- d. the characteristics of the area and proposed waste management sites; and
- e. other relevant national, regional and local policies.

A2. This Annex draws attention to factors which may be material to the consideration of proposed waste management facilities. Many are also matters for consideration by the Environment Agency in respect of environmental legislation (eg in considering applications for waste management licences).

A3. Waste management may cause pollution or contamination if operations are not undertaken with care. The objective of waste management licensing is prevention of pollution to the environment or harm to human health. Pollution or contamination may be a material consideration when considering a planning proposal, for instance when landfill is proposed close to a source of groundwater. The parts of PPG23 *Planning and Pollution Control* (PPG23) which are not superseded by the present advice (identified in the preface to this PPG) will remain relevant until updated.

Types of waste management facility

A4. There are many types of waste management facility. They vary greatly in size, characteristics, potential environmental impacts, and the period over which environmental effects may be experienced. They include:

- a. waste separation and recycling facilities;
- b. composting facilities;
- c. incinerators, with or without energy recovery;
- d. waste to energy facilities using relatively new techniques for energy recovery such as fluidised bed combustion or anaerobic digestion;
- e. landfill or landraising operations, some of which may also include opportunities for energy recovery;
- f. waste transfer stations.

A5. Recycling facilities may range from small community schemes, to traditional metal recycling, scrapyards, and large multi-stream separation and materials recovery facilities. Small and more modern facilities may have limited impacts, but traditional scrapyards and metal recycling sites, although providing valuable waste recovery opportunities, may be 'bad neighbour' development. Sites in residential areas have often given rise to householder complaints about traffic, noise, dust and visual untidiness. These impacts may be mitigated by careful location and site management,

controlled by appropriate conditions, eg, on operating hours, noise limits and traffic movements. Opportunities may also exist for the recycling of construction and demolition wastes either close to where they arise, or at a permanent processing site. The Department has commissioned research on the environmental effects of such operations. Good practice guidance will be published later this year.

A6. Composting of green' waste/organic waste has long been undertaken by private households and does not require planning permission. However, large scale commercial operations which are now being developed by local authorities, the private sector or as joint ventures will generally require planning permission. The local authority will be able to provide advice as to whether planning permission is required or not. A small facility requiring only an area of hardstanding for composting, a covered area for screening and storing materials, and an area for loading can be relatively inconspicuous, especially where existing buildings are used. Large scale facilities, however, require large open areas and buildings which may be more visually intrusive, and will increase traffic in the vicinity. Odour and noise from shredders can also present problems.

A7. Incinerators range from small plants, some of which may qualify as permitted development, to large scale installations with energy recovery or combined heat and power plants¹. Large facilities may be conspicuous because of the necessary size of the chimney stack and building. They, too, will usually generate substantial heavy goods vehicle movements.

A8. Other options which involve energy recovery are gasification, including fluidised bed combustion, and energy recovery from anaerobic digestion. These technologies are still under development. If proposals come forward based on these methods, careful attention should be paid to the likely environmental implications.

A9. Landfill operations require large areas of land. Putrescible materials can give rise to landfill gas and to leachates which can, respectively, escape into the air or buildings, or into ground and surface water if a site is poorly engineered or managed. Licence conditions should guard against adverse environmental effects. Inert waste materials do not give rise to these impacts and some can usefully be recycled as aggregate. A balance needs to be drawn between the beneficial use of inert materials for site reclamation and in site engineering and their potential use in place of primary aggregates. Landfill operations can deal with a wide range of wastes, and substantial fluctuations of tonnage, and can provide a relatively clean source of fuel (methane) for heat and power generation. Whilst it can have long-term implications for future land-use options, the landfill operation, although sometimes protracted, is temporary. It may also be the only practicable way of finally disposing of some materials, such as incineration residues and other inert materials, including mineral wastes, which cannot be recycled or treated further. Landraising operations may be conspicuous from surrounding areas if not carefully designed.

A10. Waste transfer facilities require sites of sufficient size and of appropriate accessibility to receive the delivery of collected waste and to transfer it to bulk transport for delivery by road, rail, or water, either to a waste processing site or to final disposal.

Planning considerations

A11. The environmental benefits and disbenefits of different waste management facilities therefore vary. In considering allocations of sites or criteria for selection of sites within local plans, or in considering planning applications, the WPA is likely to need to consider, as appropriate, factors including:

- a. transport, traffic and access;

- b. dust;
- c. odours;
- d. vermin and birds;
- e. noise;
- f. litter;
- g. protection of surface and underground water;
- h. land instability;
- i. visual intrusion;
- j. nature and archaeological conservation;
- k. historic environment;
- l. hours of operation;
- m. duration of operations at the site;
- n. reinstatement of the site to an appropriate after use (if relevant); and
- o. compatibility with adjacent development.

A12. These factors are discussed below, followed by general comments on the siting of waste management facilities. General advice on planning conditions is contained in Planning Policy Guidance Note 1, General Policy and Principles, DOE Circular 1/85 Use of Conditions and Minerals Planning Guidance Note 2, Applications, Permissions, and Conditions.

Transport, traffic and access

A13. Many modern waste management facilities depend on a large throughput of materials, often based on large numbers of road vehicle movements. The resulting traffic can be a major source of local disturbance and is likely to be a significant environmental issue for many proposed facilities. Advice is contained in Planning Policy Guidance Note 13 *Transport* (PPG13).

A14. There may be significant environmental and economic advantages when:

- a. waste management facilities can be located close to where the wastes arise;
- b. different types of waste management facilities can be located close together or co-located on one site;
- c. rail or water transport can be used instead of road vehicles; or
- d. use is made, as far as possible, of the major road and motorway network rather than local roads, for bulk waste movement.

A15. Co-locating waste management facilities can secure environmental benefits, for example, by reducing the overall volumes and cost of traffic in the process. Care should be taken, however, that the cumulative transport impacts would not be excessive over time or for the local and regional access routes.

A16. Transport by road is the commonest, though not necessarily the most desirable, means of carrying wastes to management facilities. Alternatives include using or adapting existing rail facilities, making new connections to the rail network, or developing existing port facilities, marine wharves and river or canalside facilities. Transportation by rail is particularly appropriate for

facilities such as large incinerators. Residual bottom ash has a high density compared to raw waste materials, making it suitable for regular bulk rail haulage to final disposal or to secondary uses such as construction fill. Opportunities for using forms of transportation other than road haulage should be considered actively and seriously by planning authorities when preparing waste development plans, and by prospective developers in putting forward proposals.

A17. Where road transport is unavoidable, access to the site is likely to be a relevant consideration. Ideally there should be direct local access to a new plant from roads of an adequate standard within the local road network. Where it is not, planning conditions should ensure that satisfactory access is provided before operations commence.

A18. WPAs should identify the routes most suitable for use by heavy lorries and, subject to other planning considerations, seek to locate any new plant along those routes. Proposed lorry routes should also be considered at the planning application stage. Planning conditions cannot control the right of passage over public highways but some measure of control can be applied through a condition or a legal agreement, requiring the operator to post notices at the site exits requesting all drivers to use, or to avoid, certain routes. Consideration should also be given to whether a local traffic management scheme is required.

A19. Planning permission should normally be refused, especially where residential amenity would be seriously affected, if:

a. the existing road network is unsuitable and cannot be improved sufficiently as part of the application, as a result of a highways agreement, by means of a planning obligation via a unilateral undertaking or by an agreement under Section 106 of the Town and Country Planning Act 1990; and

b. no alternative to road transport is available at reasonable cost.

A20. Some waste facilities may have specific requirements, for example an appropriately sized, shaped, level service area for parking, unloading and turning of large vehicles and a car parking area for staff and visitors.

A21. In the interests of local amenity, it is necessary to control the cleaning of commercial vehicles leaving the site in order to prevent the depositing of mud or waste material on public highways. A condition requiring that vehicles moving on to the public highway should be clean should normally be sufficient, but conditions may also be required for wheel cleansing equipment to be installed and for roads adjacent to the proposed site to be washed and swept.

A22. Where there is concern that the numbers of vehicle movements to and from a site may have adverse effects on residential property along access routes, it may be appropriate to set a limit on the amounts of materials or the number of movements to be handled over specified periods. Ideally, such a condition will be self-policed by the operator, for example through keeping auditable weighbridge records.

Dust

A23. The nature of any dust particulates from waste management facilities will depend on the type of facility. These can be minimised through use of appropriate, and well-maintained and managed equipment and vehicles. Air quality issues will normally be raised at the planning stage and can be a material planning consideration as well as a pollution control issue.

A24. Emissions of dust should be controlled, for instance by damping down of exposed areas, adequate covering of deposited wastes in landfill sites, and by fitting suitable suppression equipment on the air outflows from buildings or incinerators. It may be appropriate to impose a

planning condition which requires waste operators to prepare a scheme, or to indicate what measures will be undertaken, to suppress dust on a site. Care should be taken, however, that any planning condition does not duplicate a condition imposed through a waste management licence.

Odours

A25. Many waste management facilities may, from time to time, produce unpleasant odours. These can be minimised by measures such as negative pressure buildings at materials recycling facilities or incinerators, and good site practices, such as the daily covering of waste at landfill sites. Small facilities such as container banks should not generally present a problem although they should be emptied and cleaned frequently.

A26. Operating procedures, drawn up by local site managers, should include details of how offensive odours can be minimised and should be properly implemented.

Vermin and birds

A27. Waste management sites, especially landfills, can attract vermin and birds. Vermin are a health hazard and control is important. Vermin control is usually covered by the waste management licence.

A28. The numbers and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at sites close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure, local planning authorities are required to submit all applications for landfill developments that fall within eight miles of major civil aerodromes to the Civil Aviation Authority (CAA) for approval, and to the Ministry of Defence for similar development within 10 miles of military aerodromes. WPAs should therefore also consult the CAA and Ministry of Defence when preparing their waste development plans.

A29. The WPA should discuss with the relevant safeguarding authority and with site operators how mutually acceptable local solutions can be found to this problem in each case. Conditions may require the use of particular bird hazard controls. However, birds can quickly become accustomed to one type of control, so flexibility will be required to enable a variety of methods to be used.

Noise

A30. The operation of large waste management facilities can produce noise both inside and outside buildings. Intermittent and sustained operating noise may be a problem if not kept to acceptable levels and particularly if night-time working is involved. It will often be necessary to impose planning conditions relating to the suppression of noise during operations, and limiting times of operation.

A31. Planning Policy Guidance Note 24 *Planning and Noise* (PPG24) and Minerals Planning Guidance Note 11 *The Control of Noise at Surface Mineral Workings* (MPG11) give advice on the control of noise. The aim should be to control noise by setting noise limits at places where people live and work. This is more appropriate than setting noise limits at site boundaries or prescribing minimum distances between sites and noise sensitive properties. Notices should be displayed at any site where a nuisance might be caused, particularly by vehicle movements, machinery or the depositing of materials, to encourage their use only during limited hours. This applies particularly to large waste management facilities but noise can be locally obtrusive at some small facilities such as container banks, especially those for the deposit of glass.

A32.Noise from vehicles and other heavy mobile equipment can be particularly obtrusive. Regular reversing vehicle alarms may also cause disturbance. The aim should be to achieve a system which is effective in safety terms, but where the noise is limited in its range. Noise from some vehicle operations, conveyors and baling equipment may be contained within buildings. Even so, some external disturbance will be inevitable, notably that associated with traffic and unloading incoming material. On large sites, such as landfills, amenity bunds should be used to screen nearby properties from excessive noise.

Litter

A33.Litter can be a serious problem on waste management sites, especially landfills. Operators should ensure that their site operating procedures tackle this problem in a consistent and reliable way, for example by ensuring that working areas are covered at night, and that screens are erected to trap windblown litter. Even small scale facilities, such as container banks, can give rise to litter through overflowing, if not emptied frequently enough. Vehicles bringing material to sites, and waiting to discharge loads both within and close to sites, should be appropriately netted or sheeted until unloading starts. Planning conditions may be necessary to secure this, where it is not already dealt with by environmental licensing.

Protection of surface and underground water

A34.It is particularly important to have regard to the need to protect the quality of surface water and groundwater. Those sections of PPG23 which are not superseded by this PPG, (identified in the preface) and Waste Management Paper 26B *Landfill design, Construction and Operational Practice*, contain relevant advice.

A35.For landfill and landraising, a planning condition will be required to control drainage and disposal of surface water and to prevent pollution of groundwater by leachate. Sites being considered for landfill or landraising, and their surroundings, should be investigated carefully by suitable experts to determine the geological conditions and the behaviour of surface water and groundwater. Other forms of waste management facility, like many forms of industrial facility, may also have the potential to affect groundwater through seepage of pollutants.

A36.Where waste management facilities are proposed in areas which may be subject to flooding, the potential effects of the development on the behaviour of floodwater should be taken into account. The Environment Agency will provide advice on this and the potential generation of additional surface water run-off.

Land instability

A37.It is important that waste management and disposal sites and their environs are not liable to be affected by land instability. This might, for instance, damage containment precautions of landfill and landraising sites, or affect buildings at other types of facility. Advice is contained in Planning Policy Guidance Note 14 *Development on Unstable Land* (PPG14). WPAs should satisfy themselves that the stability of proposed sites has been properly investigated and that, where necessary, appropriate precautionary or remedial measures have been taken in the design.

A38.New landforms should be designed both to fit with the nature and scale of existing features in the vicinity and to be inherently stable. The intended final landform, including gradients and drainage of a site should be designed at the outset, taking account of existing ground conditions, landscaping and pollution control requirements, and options for reclamation and after-use. Some of

the advice in Minerals Planning Guidance Note 5 *Stability in Surface Mineral Workings and Tips* (MPG5), to be issued later in 1999, may be relevant.

Visual intrusion

A39. Waste management facilities vary greatly in size and degree of their visual intrusion. Consideration should be given to the potential effects on the landscape. Landfill sites may, for example, be extensive, while landraising, if not in harmony with the local landscape, may be intrusive. Some modern incinerators may have large buildings, high chimney stacks, and extensive areas for road traffic servicing the plant, since economies of scale work in favour of larger and, therefore, more conspicuous plants. However, smaller, less conspicuous, installations may be more appropriate in some circumstances, subject to retaining the economic viability of the operation. Sites may be screened by landscaping works and amenity bunds as well as advance planting of trees, shrubs or hedges around the periphery of a site.

A40. The site planning for a large waste management facility should include any landscape treatment and planting where this would reduce the visual impact. A landscaping scheme should usually be required as part of a planning application. So there should not normally be a need to impose a planning condition requiring such a scheme.

Nature and archaeological conservation

A41. There may be occasions where landfilling is proposed in former mineral workings which have been abandoned for some time, and the natural regeneration of habitats has been taking place. It is for the WPA to consider whether landfilling would be appropriate in these circumstances, having regard to the nature conservation value of the site. Guidelines on the reclamation of damaged land for nature conservation are provided in *Reclamation of Damaged Land for Nature Conservation* TSO (1996). This recommended that all areas of damaged land, including former mineral workings, should be assessed for their nature conservation interest and, where any interest is known or is suspected to be significant, an ecological/geological/soil survey should be undertaken before any decision is taken on the future use of the site. Account should also be taken of the potential effect on archaeological resources. Guidance on the treatment of archaeological remains is provided in Planning Policy Guidance Note 16 *Archaeology and Planning* (PPG16).

Hours of operation

A42. WPAs will need to consider the proposed hours of operation. These are linked closely to the issues of noise control and traffic movements, but are also relevant, for example, to levels of lighting. A condition setting out the hours of working should be applied to each waste management facility. If a site is located close to residential or other sensitive land-uses, it would normally be inappropriate to allow work at night, during Sundays or on bank holidays. However, it should be recognised that some sites may need to open at other times, for instance Sundays to take civic amenity wastes. At some particularly sensitive sites there may need to be additional restrictions on hours of operation.

A43. A planning condition limiting overall hours of working may generally lead to the specification of a shorter period for site operations to make sure that these are completed by the end of the working day. With the depositing of waste in a landfill site, for instance, sufficient time is required for the newly deposited wastes to be covered before operations end for the day.

Duration of operations

A44. A planning permission for a waste management facility must in most cases be implemented within 5 years. However, longer periods may be appropriate, depending on the circumstances. The impacts of new developments need to be monitored carefully, especially during the initial stages. It may be appropriate to include a requirement that the WPA should be notified when development is to begin.

A45. The duration of a consent will relate to the particular waste management proposal. For landfill, all operations, including the final landscaping, should be completed by the end date of the planning permission. It is necessary, therefore, for the waste deposit phase to cease an appropriate period before the permission end date in order to allow the required restoration and aftercare to be completed on time.

A46. Landfill operations may be undertaken in accordance with a pre-arranged programme of phases, in order to minimise environmental disturbance. There are advantages in using planning conditions which give the operator the opportunity to apply to the WPA to vary the working programme and other details at a later date if changed site conditions or other new circumstances require. In considering such variations the WPA should give prime importance to minimising the overall environmental impacts of the remaining stages of the permitted development.

A47. Landfill or land raising operations are essentially transitory although some last for fairly long periods. If other waste management facilities, not necessarily tied to the life of the landfill, are also proposed at such sites the longer term environmental benefits and disbenefits of the whole development should be considered. It may be necessary in some circumstances to limit the period of planning permissions for some co-located activities to match the date of closure of the 'parent' landfill operation.

Reinstatement of the site

A48. When the operation of a waste management site comes to an end it should be left in a fit state for beneficial subsequent use. Licence conditions and sound management should have eliminated the possibility of contamination of the ground.

A49. In the case of landfill and landraising operations appropriate and careful restoration and aftercare is required to prepare the site for a use which is compatible with the surrounding area and the provisions of the development plan. Relevant guidance is provided in Mineral Planning Guidance Note 7 *The Reclamation of Mineral Workings* (MPG7). Additional technical guidance on the restoration, aftercare and longer term site management of landfill sites will be provided in Waste Management Paper 26E *Landfill Restoration and Post-closure Management* to be published by the Environment Agency in late 1999.

Location of waste management facilities

A50. Locations should be considered within the context of national and regional policies, as set out in national and regional planning guidance, and the provisions of the development plan for the area. In general, the most appropriate locations will be those with the least adverse impacts on the local population and the environment. Particular care should be taken to avoid locations where new waste facilities may be incompatible with existing land-uses.

A51. There are numerous factors which may influence the location of new waste management facilities. New sites might for instance, be located, if appropriate, within or adjacent to:

- a. industrial areas, especially those containing other heavy or specialised industrial uses;
- b. degraded, contaminated or derelict land - well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive uses;
- c. working and worked out quarries - landfill is commonly used in quarry restoration but there may be opportunities for other types of waste management facilities at some quarried sites;
- d. existing landfill sites - where, for instance, composting facilities may be conveniently located;
- e. existing or redundant sites or buildings - which could be used, or adapted, to house incineration or materials recycling facilities, or composting operations;
- f. sites previously occupied by other types of waste management facilities; and
- g. other suitable sites located close to railways or water transport wharves, or major junctions in the road network.

A52. All locations need to be considered in terms of the best practicable environmental option. If planning applications come forward for other sites not previously identified as having potential for waste management operations, these should also be determined in accordance with policies of the relevant development plan, unless other material considerations indicate otherwise.

A53. Where composting is to be undertaken primarily for agricultural purposes it may be appropriate to locate facilities for this on suitable farmland.

A54. Sites which are protected by national and regional policies on the restraint of development will not generally prove acceptable for waste management facilities. Other attractive and open rural areas should normally be avoided for most types of facility. However former mineral workings which provide good opportunities for landfill are located partly for geological reasons and some of these may, inevitably, be in areas which are subject to planning constraints on landscape or amenity grounds. In such cases, particular attention should be given to the design of final landforms and the mitigation of adverse impacts during the operational period.

A55. Experience has shown that while some waste management facilities can be developed acceptably close to existing developed areas, full and continuous consultation with the local host community is highly advisable, both before proposals are approved and during the operational period. Such locations may have the advantages of:

- a. reducing traffic between areas of waste generation and disposal;
- b. providing employment opportunities in or close to existing centres of population; and
- c. in the case of incinerators - providing energy for community heating. Combined heat and power schemes enable the total energy efficiency of the process to be higher than that of an incinerator which is generating only power. Such schemes are particularly suitable in urban locations with a long-term demand for heat. The advantages of this need to be set against the potential for disturbance.

A56. Advice on the location of recycling sites for construction and demolition wastes is contained in paragraphs 68-70 of Minerals Planning Guidance Note 1, *General Considerations and the Development Plan System* (MPG1). Where buildings are being demolished, the recycling of the resultant materials may take place temporarily on site. Where there are longer term prospects for a sufficient and economic supply of demolition and construction waste from an appropriate catchment area, it may be appropriate to identify a permanent recycling site for this purpose. In such cases, careful consideration should be given to the minimisation and mitigation of adverse environmental impacts such as traffic, noise and dust.

A57. WPAs should consider opportunities for encouraging the provision of recovery and recycling facilities for commercial waste close to, or within, major retail and commercial centres.

A58. Separate planning advice on facilities to deal with the destruction of wastes from cattle slaughtered as a precautionary measure under the Over Thirty Months Scheme (OTMS) was issued by the Department in August 1997. It remains in force.

Planning conditions

A59. Where planning permission is given for waste management, local planning authorities may, in particular, wish to impose conditions or negotiate obligations, as appropriate, in respect of matters such as:

- a. transport modes, mode transfer facilities, access and routing arrangements, and the volume of traffic generated;
- b. the hours of operation where these may have an impact on neighbouring land-use;
- c. the level of noise;
- d. the physical nature of wastes acceptable or excluded, insofar as this might affect local amenity or neighbouring land-use (but not to the level of detail appropriate to a waste management licence);
- e. landscaping;
- f. plant and buildings;
- g. ancillary development;
- h. the timescale of operations and any phasing of uses on a site;
- i. minimising nuisance from dust, birds, vermin, or litter;
- j. the historic environment, industrial heritage and archaeological remains;
- k. the protection of surface and underground water;
- l. removal, handling and preservation of topsoil and subsoil, and their replacement at the restoration stage;
- m. precautionary measures against the risks of sites suffering from or causing land instability;
- n. landscaping of operational areas and facilities;
- o. the area to be filled; and
- p. restoration and aftercare. (In some cases, the details may need to be reserved until a site is closer to its closure, or amended to reflect changing needs for mitigating the impacts on the environment and local communities).

A60. Circular 11/95 *The Use of Conditions in Planning Permissions* provides advice about the use of planning conditions to enhance the quality of development and to secure the acceptability of proposals after, as well as during, waste management. In February 1997 the former County Planning Officers Society published a *Good Practice Guide on Planning Conditions for Waste Management Facilities*. Copies may be obtained from the Planning Officers' Society c/o Environmental Services Directorate, Dorset County Council, County Hall, Co

1 Planning applications for incinerators which would generate more than 50MW output of electricity would be determined by the Secretary of State for Trade and Industry.

Annex B

Developing regional strategies for waste management and the role of Regional Technical Advisory Bodies

B1. The Government wishes to see regional strategies developed for meeting likely demands for waste management and disposal. The strategies for each region will need to be compared to ensure that, together, they will meet expected national requirements. Regional considerations should be reflected in WPAs' waste development plans.

B2. The Government therefore advises all Regional Planning Bodies (RPBs) for the Regional Planning Areas in England to convene officer-level Regional Technical Advisory Bodies (RTABs), where these have not already been established. The Regional Planning Areas are shown in Fig. 1. RTABs should:

a. consider the implications of data on waste arisings, movements, deposits and management facilities provided by the Environment Agency. While these data streams are being developed it will be necessary to collate information from existing publications and draft plans, and to collect additional data from the WPAs, Waste Collection Authorities and the waste management industry. Annex D describes possible sources of information, including interim sources;

b. assemble information on existing waste collection and disposal commitments, (including existing contractual commitments), and planned provision of waste management facilities, (including information on planning permissions for waste management facilities, existing facilities and their remaining capacities), and to consider the adequacy of these arrangements in the light of available information about future waste arisings;

c. examine the implications for the future provision of waste management facilities of proposals and commitments in development plans, and policies in Environment Agency plans;

d. consider the implications of possible developments in waste management options over the next 10-15 years taking account of likely trends in arisings, movements, deposits, commitments, and waste management practices;

e. identify options for meeting future regional waste management requirements in terms of likely quantities of waste, and the nature and distribution of capacity within the framework of the national waste strategy;

f. discuss inter-regional waste movement and provision, and their implications with RTABs in other relevant regions;

g. report and make appropriate recommendations to the RPBs on these issues;

h. monitor changes annually and revise information and options so that policies can be reviewed and rolled forward at about 5 year intervals in line with developing national and European policies, and changes in waste management practice.

B3. The composition of the RTABs should be determined by the RPBs. Technical bodies are likely to be most effective if they are kept relatively small in size, perhaps 10-15 people. Because of the large number of potentially interested organisations, collaboration will be needed to identify the minimum essential numbers of representatives. A distinction may need to be drawn between a core standing membership and others to be co-opted or consulted in the course of specific discussions.

B4. Representatives should be drawn from officers of the WPAs, representatives of the different sectors of the waste management industry, the Government Office for the Region, the Environment Agency and other statutory consultees. There is also a need to take account of the views of those

who are responsible for waste collection and disposal, voluntary environmental and community interests.

B5. The information and advice prepared by the RTABs should be delivered to and published by the RPBs. The RPBs should then consult a wider range of organisations with a legitimate interest in planning for the management of waste on the content and recommendations of the RTABs' published reports. Consultations might include, commercial and business interests and environmental organisations. The RPBs should take the views of consultees into account when identifying a preferred regional strategy for waste management. The recommended option should be reported to DETR so that consistency with national planning and waste management policies can be assessed and if necessary discussed with the relevant RPBs.

B6. The conclusions of the RPBs on waste management should be reflected in their preparation and subsequent reviews of new-style Regional Planning Guidance. The procedures for preparing and implementing RPG are set out in draft PPG11. Once RPG has been confirmed following examination in public, its waste management policy should be taken into account in the preparation of structure plans, waste local plans, district (and National Park) local plans, and unitary development plans within the region. The regional strategy and the technical findings of RTABs will also be material to considering planning applications for new facilities.

B7. It may be necessary for RTABs' discussions at the formative stage to range fairly widely on waste management matters. But the work and output of these technical bodies should deal with the land-use planning issues arising from the need to secure the best possible outcome for the environment and the economy in the management and disposal of waste. The Department has commissioned research to assist RTABs to determine the BPEO.

Annex C

County matters

C1. In those areas where there are two tiers of local authorities, most planning applications are dealt with by the district authority but some are considered and decided at county level. Schedule 1 of the Town and Country Planning Act 1990 sets out the distribution of functions between local planning authorities. Paragraph 1 of the Schedule defines those matters which are 'county matters'.

C2. The Town and Country Planning (Prescription of County Matters) Regulations 1980 (S.I. 1980/2010) continue to have effect for the purposes of paragraph 1(1)(j) of Schedule 1 of the 1990 Act by virtue of section 2 of the Planning (Consequential Provisions) Act 1990. These prescribe the following classes of operations and uses of land as 'county matters':

- a. the use of land or the carrying out of operations in or on land for the deposit of refuse or waste materials; and
- b. the erection of any building, plant or machinery designed to be used wholly or mainly for purposes of treating, storing, processing or disposing of refuse or waste materials.

C3. The terms 'refuse', 'waste materials' and 'deposit' are not defined in the 1980 Regulations or in the 1990 Act. Paragraph 11 of Part 1 of Schedule 4 to the Waste Management Licensing Regulations, 1994, does, however, provide that, in the Town and Country Planning Act 1990, references to waste are to be taken as 'Directive waste' (as defined in Regulation 1(3) of those Regulations) but, subject to that provision, these terms will be construed by a court according to their ordinary and natural meanings.

C4. The following guidance is given on what constitutes a county or district matter in respect of the managing, processing and recycling of waste. However, the interpretation of the 1980 Regulations is a matter for the courts. They have held that where a planning application covers both district and county matters, and its content is such that, having regard to the proposed overall user of the site, that part of the application which relates to a county matter forms a substantial element of the application, then the application is to be treated as a county matter.

C5. Applications concerning the use of land for the carrying out of operations for collecting, treating, storing, processing or disposing of refuse or waste materials (as opposed to those for erection of a building, plant or machinery for such purposes) will be district matters if they do not end with the depositing of refuse, waste materials or their residuals.

C6. The Department's view is that all of the following items will be county matters' if they involve the use of land or the carrying out of operations in or on the land for the deposit of refuse or waste materials, or if the application concerns the erection of any building plant or machinery designed to be used wholly or mainly for treating, storing, processing or disposing of refuse or waste materials:

- a. scrapyards;
- b. clinical and other types of waste incinerator;
- c. landfill and landraising sites;
- d. waste storage facilities;
- e. sewage treatment plants;
- f. dredging tips;

- g. recycling and waste reception centres;
- h. waste processing and composting plants; and
- i. concrete crushing and blacktop reprocessing facilities.

This list is for general guidance only and is not intended to be exhaustive.

C7. An application for planning permission for a material change of use of an existing building, or of a building to be used wholly or mainly for the purposes of treating, storing or disposing of refuse or waste materials will be a district matter if the use does not include the deposit of refuse or waste materials.

C8. In some instances:

- a. it may not be clear whether a planning application for a waste facility should be treated as a county matter or not;
- b. a planning application may clearly comprise both county and district elements; or
- c. an application may clearly be a district matter but may have implications for an overall waste strategy set by the county.

It is important, therefore, that there should be close liaison between the respective planning authorities. Counties may find it helpful to develop informal working arrangements with their districts for dealing with such cases, for instance those involving the planning control of waste transfer stations.

C9. Difficulties may also arise in respect of applications which are properly to be decided by the district authority but which involve the use of large amounts of engineering fill for such purposes as levelling or landscaping of sites or the construction of bunds or embankments. In such cases, the planning authority will need to consider whether the proposed amounts of fill to be used are reasonable in relation to the requirements of the proposed development, rather than being a device for avoiding proper consideration of, and controls on, the deposit of waste materials or for avoiding liability for the landfill tax. It may, therefore, be appropriate to question developers about the purpose of certain types of proposed development. It may also be necessary to identify the final levels or contours in planning conditions to guard against the excessive use of fill. Districts should liaise with the WPA and the Environment Agency in all cases involving the import of fill material.

C10. The Department and the Planning Officers Society are working together to resolve apparent difficulties being experienced by some local planning authorities as to whether certain waste developments are county matters or not. They propose to report in 2000.

Annex D

Information on wastes

D1. Reliable information on waste arisings, movements, disposal, and facilities is needed for the development of national and regional policies, formulation of development plans, and development control. Until recently a number of conflicting classifications of wastes were in use. In addition, information on waste arisings and quantitative data on disposal or treatment routes is, at present, relatively poor. Action was therefore needed to improve the position.

Classification

D2. The Department carried out initial consultation on a National Waste Classification Scheme in 1995 and has asked the Environment Agency to take forward work on this. The Agency is currently working with the waste management industry to trial the scheme with a view to reporting jointly to the Department early in 2000. The classification will enable WPAs, the Agency, the industry, the Government and the general public to identify, quickly and accurately, which waste types are permitted for treatment and/or disposal at particular sites. This will remove the uncertainties which were caused by various bodies using different definitions and, should be used, therefore, when preparing planning conditions.

Data on disposal and treatment routes

D3. The Environment Agency is consulting the relevant WPAs on a national waste survey to ensure that the information collected is appropriate and relevant to the needs of the planning system. The Agency is required to ensure that the necessary information is provided to local planning authorities, including estimated annual waste arisings and any major changes which are expected in the next 10 years. Advice on how the Environment Agency will undertake surveys is contained in Waste Management Planning - Principles and Practice (1995). A study for the collection of data on industrial and commercial waste has been completed. Detailed information should become available early in 2000. In the interim, it will be necessary for WPAs to use provisional information from a number of sources. Statistics on arisings of construction and demolition waste and their use for aggregate will shortly be collected by the Environment Agency and are likely to be published in early 2000.

Provisional information

D4. Information is available from the Department on municipal and household wastes (from 1995/6) and special wastes (figures for 1993/4). The Department is planning to secure and publish interim estimates of commercial and industrial waste at the regional level by 2000.

D5. Pending the availability of results from the national waste survey in early 2000, waste disposal plans prepared under Section 50 of the Environment Protection Act 1990 (Section 50 plans') and adopted prior to 1 April 1996, contain useful statistics of waste arisings. These should be taken into account, together with any additional information which can be provided by the Department, Environment Agency and the waste management industry.

D6. Many waste disposal plans produced by Waste Disposal Authorities under the Control of Pollution Act 1974 were not completed until the late 1980s/early 1990s. They therefore contain fairly recent statistics, which may provide useful, relevant information when Section 50 plans are not available. In addition, many former Waste Regulation Authorities conducted surveys of waste arisings before they were transferred to the Environment Agency in April 1996. Some produced

draft plans or position statements. These may also be a useful source until better information is available.

Estimating quantities of waste to be managed

D7. The proposed Regional Technical Advisory Bodies will need to estimate the types and quantities of waste that have to be managed both in the short term, for instance annually, and against a longer term horizon of 10 to 15 years. These estimates will form the basis for identifying options for provision of adequate facilities. In addition, WPAs need sufficiently detailed data to translate regional options into policies and provisions in their development plans. Table 1 sets out a framework for calculating the quantities of wastes to be managed. Better methods may well exist locally, and Regional Technical Advisory Bodies and WPAs are encouraged to consider how to prepare reasonable estimates of the quantities of waste which will need to be managed.

Assessment of options

D8. The Environment Agency is developing a decision aid for waste management based on the principles of life cycle assessment. This should become available in late 1999. This will consider all the effects of each option including the pollution from the transport of waste, resources, (taking into account savings of primary materials replaced by recycled materials), any displacement of pollution (for example energy produced from waste replacing fossil fuels), and influences on global warming. It will provide a more sustainable framework for strategic planning decisions on waste facilities. The Agency will use this to give a series of examples of the environmental impacts and relative costs of different systems to manage waste in its Strategic Waste Management Assessments, to be published in 2000.

D9. In addition, the Department has commissioned research in order to develop approaches to defining the best planning options for waste management. Work on this should be completed in mid 2000 and it will then be published as soon as practicable.

Table 1

WASTE TYPE - Separate table for each of the following: Inert, Household, Commercial/Industrial, Special	AREA: e.g. Region, County, Metropolitan District or Unitary Authority				
	1999	2000	-	-	-
Waste Arisings					
1. Best estimate of waste arising (prior to Environment Agency's national survey).					
2. Future base waste prediction (best estimate + growth index)					
3. Predicted reduction					
4. Predicted re-use					
5. Total reduction of base waste prediction (3+4)					
6. Area's predicted future waste arisings (2-5)					

7.Predicted imported waste *					
8.Predicted exported waste *					
9. Annual waste management requirement(6+7-8)					
10.Cumulative waste management requirement					
Methods of Management					
11. Recovery, e.g. recycling - reduction achieved					
12. - residual for further management					
13. Other treatment methods, e.g. anaerobic digestion, composting - reduction achieved					
14. - residual for further management					
15. Incineration with energy recovery -reduction achieved					
16. - residual for further management					
17. Incineration without energy recovery - reduction achieved					
18. - residual for further management					
19.Landfill disposal with energy recovery - reduction achieved					
20. - residual for further management					
21. landfill disposal without energy recovery - reduction achieved					
<p>Imported and exported waste should be minimised to reflect self-sufficiency and the proximity principle; Tonnages must balance with other areas' imports and exports. The annual waste management requirement should equal the sum of the 'reductions achieved' through the different methods of management. Notes: 1. All values to be in tonnes. 2. Waste types to be standardised.</p>					