


Guidance


## Waste

Print 

1. Waste – Overview (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/waste-overview/>)

### Waste – Overview

#### Who is the planning authority for waste developments?

The waste planning authority is generally the county council (in areas where there are two tiers of local government – county councils and district councils), the unitary authority, or the national park authority. The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003  (<http://www.legislation.gov.uk/ukxi/2003/1033/contents/made>) prescribe classes of waste operations and uses of land that should be dealt with as “county matters”.

Interpretation of what is and is not a “county matter” is ultimately a matter for the courts.

ID 28-001-20141016 Last updated 16 10 2014

#### What matters come within the scope of ‘waste development’?

Though interpretation is ultimately a matter for the courts, the following is a general, non-exhaustive list of matters which can be considered as waste operations:

- metal recycling sites
- energy from waste incineration and other waste incineration
- landfill and land raising sites (such as soils to re-profile golf courses)
- landfill gas generation plant
- pyrolysis / gasification
- material recovery / recycling facilities
- combined mechanical, biological and/or thermal treatment
- in-vessel composting
- open windrow composting
- anaerobic digestion
- household civic amenity sites
- transfer stations
- waste water management
- dredging tips
- storage of waste

- recycling facilities for construction, demolition and excavation waste.

ID 28-002-20141016 Last updated 16 10 2014

## Are all waste developments handled by the waste planning authority?

Waste planning authorities are responsible for determining all waste development except:

- proposed development of a generating station of more than 50 megawatts capacity
- hazardous waste landfill or deep storage facilities for the purpose of final disposal or recovery of hazardous waste accepting more than 100,000 tonnes of hazardous waste per year, or any other hazardous waste facility for the purpose of final disposal or recovery of such waste accepting more than 30,000 tonnes per year. These thresholds apply to any extensions or alterations to existing hazardous waste facilities
- Waste Water Treatment plants with a capacity to exceed a population equivalent of 500,000
- facilities to transfer or store waste water facilities if the capacity for storage of waste water exceeds 350,000 cubic metres.

These applications are dealt with using procedures under the Planning Act 2008 [\[X\]](http://www.legislation.gov.uk/ukpga/2008/29/contents) (<http://www.legislation.gov.uk/ukpga/2008/29/contents>).

ID 28-003-20141016 Last updated 16 10 2014

2. The role of waste planning in meeting European obligations (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/the-role-of-waste-planning-in-meeting-european-obligations/>)

## The role of waste planning in meeting European obligations

### What is the role of local planning authorities in meeting the requirements of the European Union Waste Framework Directive?

Waste planning authorities play a role in implementing the following Articles of the EU Waste Framework Directive (2008/98/EC) [\[X\]](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:en:PDF) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:en:PDF>) in England:

- **Article 4:** Waste Hierarchy
- **Article 13:** Protection of human health and the environment
- **Article 16:** Principles of proximity and self-sufficiency
- **Article 28:** Waste Management Plans
- **Article 34:** Periodic Inspections

In addition, all planning authorities have a role in implementing Articles 4 and 13. Articles 13, 16 and 34 are implemented in Part 6 of the Waste (England and Wales) Regulations 2011 [\[X\]](http://www.legislation.gov.uk/uksi/2011/988/pdfs/uksi_20110988_en.pdf) ([http://www.legislation.gov.uk/uksi/2011/988/pdfs/uksi\\_20110988\\_en.pdf](http://www.legislation.gov.uk/uksi/2011/988/pdfs/uksi_20110988_en.pdf)). Implementation of the remaining Articles relies on local planning authorities discharging specific statutory responsibilities under the planning

system. A more detailed breakdown may be found here (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/annex-1-summary-of-articles-of-the-waste-framework-directive-200898ec-and-actions-on-local-planning-authorities/>).

ID 28-004-20141016 Last updated 16 10 2014

## **How can local planning authorities protect human health and the environment?**

Local planning authorities can ensure that waste is handled in a manner which protects human health and the environment through testing the suitability of proposed sites, both in developing their Local Plans and in considering individual planning applications, against the policies in paragraphs 4 to 7 and the factors in Appendix B of National Planning Policy for Waste [\[2\]](https://www.gov.uk/government/publications/national-planning-policy-for-waste) (<https://www.gov.uk/government/publications/national-planning-policy-for-waste>). Other ways in which they can deal with this include:

- putting in place suitable planning conditions, and adequate enforcement and monitoring
- working closely with Environmental Health colleagues
- consultation with Public Health England and the Environment Agency (which is mandatory in certain cases) for advice on public health matters and pollution control
- ensuring land raising or landfill sites are restored to beneficial after-uses (e.g. agriculture, biodiversity, forestry, amenity) at the earliest opportunity and to high environmental standards.

ID 28-005-20141016 Last updated 16 10 2014

## **What is the obligation on waste planning authorities towards implementing the proximity principle?**

The principles of self-sufficiency and proximity (commonly referred to as the 'proximity principle') are set out in Article 16 of the Waste Framework Directive [\[3\]](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0098) (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0098>), Local planning authorities are required, under regulation 18 of the 2011 Regulations [\[4\]](http://www.legislation.gov.uk/ukdsi/2011/9780111506462/contents) (<http://www.legislation.gov.uk/ukdsi/2011/9780111506462/contents>) which transposed the Directive, to have regard to these requirements when exercising their planning functions relating to waste management.

ID 28-006-20141016 Last updated 16 10 2014

## **Do the self-sufficiency and proximity principles require each waste planning authority to manage all of its own waste?**

Though this should be the aim, there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles. Nor does the proximity principle require using the absolute closest facility to the exclusion of all other considerations. There are clearly some wastes which are produced in small quantities for which it would be uneconomic to have a facility in each local authority. Furthermore, there could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively.

The ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.

ID 28-007-20141016 Last updated 16 10 2014

### 3. Implementing the Waste Hierarchy (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/implementing-the-waste-hierarchy/>)

#### **Implementing the Waste Hierarchy**

##### **Who contributes to moving waste up the Waste Hierarchy?**

Movement of waste up the Waste Hierarchy (see Appendix A of National Planning Policy for Waste [link](https://www.gov.uk/government/publications/national-planning-policy-for-waste)) is not just the responsibility of waste planning authorities. All local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy.

ID 28-008-20141016 Last updated 16 10 2014

##### **How is the Waste Hierarchy delivered through Local Plans and in planning decisions?**

Driving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England [link](https://www.gov.uk/government/publications/waste-management-plan-for-england) and national planning policy for waste. All local planning authorities must have regard to the Plan and national policy in preparing their Local Plans. National waste planning policy is capable of being a material consideration in decisions on planning applications for waste management facilities.

ID 28-009-20141016 Last updated 16 10 2014

##### **How can “non-waste” planning authorities deal with the Waste Hierarchy?**

While such authorities may not have the planning functions in respect of the preparation of Local Plans covering waste, or dealing directly with waste planning applications, they must have regard to national planning policy for waste and are expected to help deliver the Waste Hierarchy. This might include:

- working constructively with waste planning authorities to identify and protect those sites needed for waste management facilities. Local planning authorities should consider the need for waste management alongside other spatial planning objectives
- integrating local waste management opportunities in proposed new development
- considering, where relevant, the likely impact of proposed, non-waste related development on existing waste management sites and on sites and areas allocated for waste management
- promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to

set out how waste arising from the development is to be dealt with

- including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste
- ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy.

ID 28-010-20141016 Last updated 16 10 2014

#### 4. Preparing Local Plans (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/preparing-local-plans/>)

### **Preparing Local Plans**

#### **What should Local Plans deliver?**

The Local Plan relating to waste should identify sufficient opportunities to meet the identified needs of an area for the management of waste, aiming to drive waste management up the Waste Hierarchy. It should ensure that suitable sites and areas for the provision of waste management facilities are identified in appropriate locations.

ID 28-011-20141016 Last updated 16 10 2014

#### **How should waste planning authorities involve local communities?**

Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. It is important that waste planning authorities engage and collaborate with local communities in an early and meaningful way when identifying options for managing waste. This is particularly the case when considering proposals for waste management facilities such as incinerators which can be locally controversial. To be effective, engagement should be proactive to ensure that local communities are able to understand the range of options that are available and their implications.

ID 28-012-20141016 Last updated 16 10 2014

#### **What types of wastes should waste planning authorities plan for?**

Waste planning authorities should plan for the sustainable management of waste including:

- Municipal/household
- Commercial/industrial
- Construction/demolition
- Low Level Radioactive
- Agricultural
- Hazardous
- Waste water

ID 28-013-20141016 Last updated 16 10 2014

## **What must Local Plans on waste include to meet the requirements of the Waste Framework Directive?**

Regulations 7 and 8 and Schedule 1 to the 2011 Regulations [\[2\]](http://www.legislation.gov.uk/ukdsi/2011/9780111506462/contents) (<http://www.legislation.gov.uk/ukdsi/2011/9780111506462/contents>) set out what is necessary to meet the requirements of Article 28 of the Directive [\[3\]](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0098) (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0098>).

Up-to-date Local Plans dealing with waste are a necessary part of the implementation of this Article of the Directive. The key issues which waste planning authorities must include in their Local Plans to ensure compliance with the Waste Framework Directive are:

- Details of existing major disposal and recovery installations
- An assessment of the need for the closure of existing waste management facilities and the need for additional waste installation infrastructure
- Sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations.

ID 28-014-20141016 Last updated 16 10 2014

## **How should the duty to cooperate apply to waste management?**

View guidance on the duty to cooperate (<http://planningguidance.planningportal.gov.uk/blog/guidance/duty-to-cooperate/>).

Waste is a strategic issue which can be addressed effectively through close co-operation between waste planning authorities and other local planning authorities and public bodies to ensure a suitable and sustainable network of waste management facilities is in place.

There is no definitive list of actions that constitute effective cooperation under the duty. However, it may include:

- gathering, evaluating and ensuring consistency of data and information required to prepare Local Plans. This may include joint commissioning of studies or the joint preparation of an evidence base
- engaging actively in dialogue, particularly on those types of wastes or waste facilities that will impact most on neighbouring authorities
- active engagement, where necessary, with planning authorities wider than just those who are their more immediate neighbours, particularly if dealing with waste streams for which there is a need for few facilities
- jointly monitoring waste arisings and capacity.

ID 28-015-20141016 Last updated 16 10 2014

## **How should the duty to cooperate apply between waste and district planning authorities?**

By the nature of the activity, waste planning policy requires a strategic, cross-boundary approach to ensure that waste is effectively managed and facilities are properly located. Integrated working between county and district planning authorities is critical to the preparation of Local Plans. While the duty to

cooperate (<http://planningguidance.planningportal.gov.uk/blog/guidance/duty-to-cooperate/>) is not a duty to agree, waste planning authorities should make every effort to secure the necessary cooperation on waste matters.

ID 28-016-20141016 Last updated 16 10 2014

## **Does this apply to identifying suitable sites and areas for waste management facilities?**

The duty to cooperate will be particularly important where waste planning authorities are unable to identify sufficient, suitable, opportunities for waste management facilities – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies in the National Planning Policy Framework, including the special protection given to the Green Belt. In such circumstances, joint working can ensure sufficient opportunities outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. The search for suitable opportunities should be in line with the waste management hierarchy and, having regard to the self-sufficiency and proximity principles, any planned review of Green Belt boundaries.

Effective cooperation will also be important in ensuring the planned provision of new capacity and its spatial distribution is based on robust analysis of waste management needs including for specific waste streams. Inspectors will recommend that the Local Plan is not adopted if the duty to cooperate has not been complied with and the examination will not proceed any further.

ID 28-017-20141016 Last updated 16 10 2014

## **How should local planning authorities integrate the need for waste management with other spatial concerns in the preparation of Local Plans?**

Opportunities for land to be utilised for waste management should be built into the preparatory work for Local Plans, to the level appropriate to the local planning authorities planning responsibilities. For example:

- suitable previously-developed land, including industrial land, provides opportunities for new waste facilities and priority should be given to reuse of these sites. It is important for waste to be considered alongside other land uses when looking at development opportunities
- as reviews of employment land are undertaken, it is important to build in the needs of waste management before releasing land for other development or when considering areas where major regeneration is proposed
- the integration of local waste management opportunities in new development should be integral to promoting good urban design
- facilitating the co-location of waste sites with end users of waste outputs such as users of fuel, low carbon energy/heat, recyclates and soils.

ID 28-018-20141016 Last updated 16 10 2014

## **Can Local Plans prescribe specific technologies?**

Local plans should not generally prescribe the waste management techniques or technologies that will be used to deal with specific waste streams in the area. Rather, the Plan should identify the type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area. The Government tries not to direct towards one waste technology above any others, when there may be a number of technologies, both existing and developing, that might deliver the same favourable outcome.

Circumstances when it may be more appropriate to prescribe a specific technology include:

- for those sites that are allocated for facilities larger than just local facilities
- for any facilities to deal with municipal waste where a clear service development strategy is required
- when the site is suitable for only one particular type of waste management facility.

ID 28-019-20141016 Last updated 16 10 2014

## 5. Preparing Sustainability Appraisals for Local Plans (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/preparing-sustainability-appraisals-for-local-plans/>)

### Preparing Sustainability Appraisals for Local Plans

#### What topics may be included within a set of sustainability objectives for Local Plans?

Waste planning authorities are required to carry out a Sustainability Appraisal (<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/>) when preparing Local Plans. A list of non-exhaustive topics which could be covered can be found below.

#### Table of possible Topics and Issues for the Appraisal Framework

Topic	Issues
<b><i>Environmental</i></b>	
Sustainable use of resources	Level of materials recycling
Climate Change	Greenhouse gas emissions (CO <sub>2</sub> and CH <sub>4</sub> )
	Energy efficiency (consumption and generation)
	Renewable energy generation
	Adaptation to climate change
Air Quality (including dust)	Emissions of pollutants (facilities and transport)
Noise and vibration	The impact of noise and vibration from waste related operations, including facilities and transport
Artificial Light	The impact of artificial light from waste related operations
Odour	The impact of odour from waste related operations
Vermin	The impact of vermin from waste related operations



Water resources and Flood Risk Management	Discharge of pollutants
	Water consumption
	Flood risk (including changes in risk due to climate change)
Sustainable resource use	Waste minimisation
	Moving up the waste hierarchy
	Minimising disposal
	Extent to which planning authority manages its own waste arisings
Land and soil	Land contamination
	Land take
	Use of previously developed land
	Impact on Green Infrastructure
	Use of soils, impact on soil quality (including positive)
Landscape	Impact on landscapes (urban, rural, urban fringe) and nationally protected landscapes
	Impact on Green Belt (e.g. maintain extent, openness)
Biodiversity	Conservation of biodiversity
Historic environment	Protection of built heritage
	Protection of archaeological heritage
<b><i>Social</i></b>	
Quality of surroundings	Impact on recreational and open spaces
	Improving the quality of where people live
Transport	Kilometres travelled by waste
	Congestion
	Impact on local infrastructure
	Reducing reliance on the car
Health	Impact on human health
Access to services	Good and equitable access to services
	Improved access for those most in need
Public involvement	Opportunities for participation
	Opportunities for education and awareness raising
<b><i>Economic</i></b>	
Sustainable economic growth	Costs of waste management
	Economic benefits of waste minimisation and resource efficiency/reuse

	Inward investment
Employment	Number of jobs created

ID 28-020-20141016 Last updated 16 10 2014

## What types of options could the Sustainability Appraisals of Local Plans consider when identifying reasonable alternatives?

The Environmental Assessment of Plans and Programme Regulations 2004 [\[a\]](http://www.legislation.gov.uk/uksi/2004/1633/contents/made) (<http://www.legislation.gov.uk/uksi/2004/1633/contents/made>) require assessment of reasonable alternatives for achieving the objectives of the plan. What will be a reasonable alternative will depend on the circumstances and scope of the plan but the types of options which the Sustainability Appraisal of local plans could consider include:

- need or demand: waste minimisation, ensuring the plan or strategy has policies in place to promote or to deliver waste minimisation
- mode or process: technological options for managing waste streams
- location: options for strategic approaches to locating facilities.

ID 28-021-20141016 Last updated 16 10 2014

## 6. Evidence needed to identify waste requirements in Local Plans (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/evidence-needed-to-identify-waste-requirements-in-local-plans/>)

### Evidence needed to identify waste requirements in Local Plans

#### How should waste planning authorities identify the need for new waste management facilities?

Information on the available waste management capacity in the relevant area will help inform forward planning in Local Plans of waste infrastructure required to meet need. It will also require an assessment of future requirements for additional waste management infrastructure, with reference to forecasts for future waste arisings. Assessing waste management needs for Local Plan making is likely to involve:

- understanding waste arisings from within the planning authority area, including imports and exports
- identifying the waste management capacity gaps in total and by particular waste streams
- forecasting the waste arisings both at the end of the period that is being planned for and interim dates
- assessing the waste management capacity required to deal with forecast arisings at the interim dates and end of the plan period.

ID 28-022-20141016 Last updated 16 10 2014

- **Assessing existing waste management capacity** (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/evidence-needed-to-identify-waste-requirements-in-local-plans/assessing-existing-waste-management-capacity/>)

### Assessing existing waste management capacity

## **Why is it important to manage waste management capacity at the start of the plan period?**

Identifying the existing waste management capacity is important for establishing the baseline against which the need for new facilities will be assessed. However, waste planning authorities should recognise that capacity of waste management facilities may change depending on a wide range of factors, including market conditions.

ID 28-023-20141016 Last updated 16 10 2014

## **What information should waste planning authorities obtain on existing waste management capacity?**

Waste planning authorities will need to ensure that they have obtained sufficient details on existing waste management facilities to enable them to plan effectively. This is likely to include:

- site location details – name of site and operator, address, postcode, local authority, grid reference etc
- type of facility – what process or processes are occurring on the site and which waste streams they manage
- licence/permit details – reference number, tonnage restrictions, waste type restrictions, dates of renewal, etc and status if not yet licensed and permitted
- capacity information – licensed and permitted throughput by waste type
- site lifetime or maximum capacity – it is important to record the expected lifetime of facilities and, where appropriate, their total remaining capacity
- waste sources – origin of wastes managed, broken down by type and location
- outputs from facility – recovery of material and energy, production and export of
- residues and the destination of these, where appropriate
- additional information – potential of site for increasing throughput, adding further capacity, other waste management uses, etc.

ID 28-024-20141016 Last updated 16 10 2014

## **How should waste planning authorities assess capacity of sites exempt from environmental permits?**

Sites that operate under an exemption from the environmental permitting regime are not obliged to report on the amount of waste they handle. Some assessment of maximum capacity may be made through reference to the maximum amounts of waste permitted under the exemption (information on exempt sites is available from the Environment Agency [✉](https://www.gov.uk/access-the-public-register-for-environmental-information) (<https://www.gov.uk/access-the-public-register-for-environmental-information>)). If a waste planning authority is concerned that exempt sites are having a significant impact on local capacity, it may wish to investigate this further. This may involve detailed surveys or obtaining a sample of surveys and extrapolating results.

ID 28-025-20141016 Last updated 16 10 2014

## **How should waste planning authorities assess any closure of existing waste management facilities and the need for additional waste installation infrastructure?**

Waste planning authorities should consider whether existing waste management facilities are likely to close, or have closed, during the plan period, and the consequent need for new infrastructure, as part of the preparation of Local Plans, using the best available information from a number of sources.

This might include:

- the Environment Agency, which holds information on waste licences, applications and capacity, and which is required to inspect a number of waste management facilities as part of the permitting regime
- waste management companies or site operators/owners who are willing to share their plans for closing facilities or can provide information on a site closure.

Annex 2 (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/annex-2-annual-capacity-of-waste-management-facilities/>) contains an example of the sort of table that could be used to report on the capacity of waste management facilities. This table could be supported by a written commentary that sets out the existing position having regard to the Local Plan and provides sufficient information about the provision that has been made for dealing with waste, so as to inform on where there is a shortfall in meeting demand.

ID 28-026-20141016 Last updated 16 10 2014

## **Where can waste planning authorities obtain details of existing major disposal and recovery installations?**

A waste planning authority should already provide this information on their Policies Map or as part of their Local Plan. Where this is not the case, it could be obtained from the Environment Agency public registers [\[X\]](https://www.gov.uk/access-the-public-register-for-environmental-information) (<https://www.gov.uk/access-the-public-register-for-environmental-information>) and Waste Data Interrogator [\[X\]](http://data.gov.uk/dataset/waste-data-interrogator-afa230) (<http://data.gov.uk/dataset/waste-data-interrogator-afa230>).

ID 28-027-20141016 Last updated 16 10 2014

- Forecasting waste arisings over the plan period (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/evidence-needed-to-identify-waste-requirements-in-local-plans/forecasting-waste-arisings-over-the-plan-period/>)

## **Forecasting waste arisings over the plan period**

### **How should waste planning authorities forecast waste arisings?**

Waste planning authorities should anticipate and forecast the amount of waste that should be managed at the end of the plan period. They should also forecast waste arising at specific points within the plan period, so as to enable proper consideration of when certain facilities might be needed. However, the right balance needs to be made between obtaining the best evidence to inform what will be necessary to meet waste needs, while avoiding unnecessary and spurious precision.

## **How should waste planning authorities forecast future municipal waste arisings?**

Forecasts of future municipal waste arisings are normally central to the development of Municipal Waste Management Strategies [\[2\]](http://www.legislation.gov.uk/ukpga/2003/33/contents) (<http://www.legislation.gov.uk/ukpga/2003/33/contents>).

It will be helpful to examine municipal waste arisings according to source (ie household collections, civic amenity site wastes, trade waste etc.). This may allow growth to be attributed to particular factors and to inform future forecasts.

A 'growth profile', setting out the assumed rate of change in waste arisings may be a useful starting point for forecasting municipal waste arisings. The growth profile should be based on two factors:

- household or population growth; and
- waste arisings per household or per capita.

ID 28-029-20141016 Last updated 16 10 2014

## **How is a growth profile prepared?**

A growth profile is prepared through a staged process:

- calculate arisings per head by dividing annual arisings by population or household data to establish short- and long-term average annual growth rates per household and
- factor in a range of different scenarios, eg constant rate of growth, progressively lowering growth rates due to waste minimisation initiatives.

The final forecast can then be modelled with scenarios based on the long- and short-term rate of growth per household, together with household forecasts.

ID 28-030-20141016 Last updated 16 10 2014

## **What are the key issues which may influence the forecasts of other wastes?**

Although it may not be possible to address growth (or decline) of the other waste streams in quite the same way as for municipal waste, there are similar factors that are likely to influence waste arisings. These might include:

- the influence of the landfill tax and its escalator
- the Aggregates Levy, which may encourage use of construction and demolition wastes
- the impact of producer responsibility measures – covering issues such as packaging, end of life vehicles and batteries – and of integrated product policy initiatives.

ID 28-031-20141016 Last updated 16 10 2014

## **How can waste planning authorities forecast future commercial and industrial waste arisings?**

Waste planning authorities can prepare growth profiles, similar to municipal waste, to forecast future commercial and industrial waste arisings. In doing so, however, they should:

- set out clear assumptions on which they make their forecast, and if necessary forecast on the basis of different assumptions to provide a range of waste to be managed
- be clear on rate of growth in arisings being assumed. Waste planning authorities should assume a certain level of growth in waste arisings unless there is clear evidence to demonstrate otherwise.

ID 28-032-20141016 Last updated 16 10 2014

## **How should waste planning authorities forecast future construction and demolition waste arisings?**

Waste planning authorities should start from the basis that net arisings of construction and demolition waste will remain constant over time as there is likely to be a reduced evidence base on which forward projections can be based for construction and demolition wastes. However, when forecasting construction and demolition waste arisings, the following may be relevant:

- annual existing returns from waste management facilities
- data from site waste management plans (where available)
- the fact that a sizeable proportion of construction and demolition waste arisings are managed or re-used on-site, or exempt sites, so it is critical that some provision is made for unseen capacity in this way
- any significant planned regeneration or major infrastructure projects over the timescale of the Plan.

ID 28-033-20141016 Last updated 16 10 2014

## **How should waste planning authorities forecast future hazardous waste arisings?**

Since existing data on hazardous waste arisings is likely to be robust, waste planning authorities should plan for future hazardous wastes arisings based on extrapolating time series data. View guidance on hazardous substances (<http://planningguidance.planningportal.gov.uk/blog/guidance/hazardous-substances/>).

ID 28-034-20141016 Last updated 16 10 2014

- **Using data to monitor and forecast waste needs** (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/evidence-needed-to-identify-waste-requirements-in-local-plans/using-data-to-monitor-and-forecast-waste-needs/>)

### **Using data to monitor and forecast waste needs**

## **What are the potential sources of information of waste data to inform the preparation of Local Plans?**

Planned provision of new capacity and its spatial distribution should be based on robust analysis of best available data, including:

- the waste planning authority's own data (from existing permissions and regular monitoring)
- Municipal waste data from the waste disposal authority, in particular the WasteDataFlow [☐](http://www.wastedataflow.org/) (<http://www.wastedataflow.org/>) system
- Commercial and industrial waste information, which may be obtained from a number of sources, but in particular the Environment Agency's Waste Data Interrogator [☐](http://data.gov.uk/dataset/waste-data-interrogator-afa230) (<http://data.gov.uk/dataset/waste-data-interrogator-afa230>) (which collates information provided by site operators in the site returns that they are required to submit by the conditions of their environmental permit). Other sources may also be used, including information provided by the waste management industry, bespoke surveys carried out by the waste planning authority, and surveys carried out by central Government
- Radioactive waste data is provided by the Nuclear Decommissioning Authority for all waste from the nuclear industry; information on radioactive waste produced by large industrial sites (installations) can be obtained from the Environment Agency's Pollution Inventory
- Construction and Demolition waste data may be available from annual site returns from individual facilities to the Environment Agency. Other possible sources could include site waste management plans and bespoke surveys. A qualitative assessment approach may also be appropriate
- Hazardous waste – data on volumes of hazardous waste arising may be obtained from the Environment Agency through their Hazardous Waste Data Interrogator
- Other waste streams of local significance- data on other waste streams of regional or local significance may require bespoke collection, or more detailed interrogation of databases held by the Environment Agency, the Department for Environment, Food and Rural Affairs and/or local authorities (including new data streams coming on-line in early 2015 on waste being passed through materials recovery facilities), and water companies.

ID 28-035-20141016 Last updated 16 10 2014

## **What principles should waste planning authorities adopt when using data to plan for waste management facilities?**

Given the challenges of obtaining up-to-date and reliable waste data, the following key principles when using waste management data may be helpful:

- Make clear assumptions on how data were handled, as well as their impact (including on forecasting)
- Provide data to an appropriate level of significance, based on their explicit assumptions. In practice, data quoted to more than two or three significant figures will not be helpful and spurious accuracy stemming from precise figures should be avoided
- Plan for a range of each type of waste rather than a specific single figure.

ID 28-036-20141016 Last updated 16 10 2014

- Identifying suitable sites and areas (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/evidence-needed-to-identify-waste-requirements-in-local-plans/identifying-suitable-sites-and-areas/>)

## **Identifying suitable sites and areas**

## **What factors are likely to drive the siting of required waste management facilities?**

The siting of waste management facilities will be driven by a number of issues including:

- the likely distribution of waste arisings, which for many wastes would be expected to be similar to the existing and anticipated structure and layout of settlements
- the likely catchment and necessary flows of waste for the type of facility being proposed
- physical and environmental constraints limiting the likely opportunities for accommodating suitable waste management facilities. For example, urban authorities may have limited opportunities to accommodate some types of waste management facility
- suitability of local transport infrastructure and availability of sustainable transport methods.

Significant flows of some industrial wastes, and particularly hazardous industrial wastes and low level radioactive wastes, may arise at clearly defined locations, and have specific treatment and disposal needs.

In considering the broad locations for the pattern of waste management facilities care should be taken, particularly for the smaller scale waste streams, to avoid limiting market flexibility.

ID 28-037-20141016 Last updated 16 10 2014

## **What flexibility should waste planning authorities plan for when allocating sites?**

When identifying sites for waste management facilities, waste planning authorities should seek to demonstrate that the stock of allocated land provides sufficient opportunities to meet waste needs. Since it is possible that not all sites for the range of waste arisings that need to be catered for will be developed in practice, waste planning authorities should not rigidly cap development proposals at the level that may be put forward through the Local Plan. However, they may wish to plan for a 'close fit' of land allocations with planned waste management capacity for landfill sites, given that landfill is at the bottom of the Waste Hierarchy.

As part of this process the waste planning authority should consider including policies to help steer the timing of land releases in line with the Local Plan. In doing so, however, they should take account of any identified constraints to site deliverability. This will include marketability to the waste management industry and the 'lead in' times that may arise from new infrastructure required to service sites, which although capable of resolution during the forward look of the Plan (otherwise the allocation should not have been made), could affect deliverability.

ID 28-038-20141016 Last updated 16 10 2014

## **What information on the location of waste management facilities should be included in Local Plans?**



Local Plans covering waste should include clearly defined locations and/or areas of search and these should be clearly identified on an Adopted Policies Map.

Such measures should meet European reporting requirements for waste management plans to show existing and proposed waste management sites on a geographical map, and/or include sufficiently precise locational criteria for identifying such sites.

ID 28-039-20141016 Last updated 16 10 2014

### **When is it acceptable for waste planning authorities to identify areas rather than specific sites?**

There may be occasions when a waste planning authority will wish to identify particular areas as suitable for waste management to provide for more flexibility for the market. Such areas could include, for example, particular industrial estates where the waste planning authority is satisfied that any of a number of individual sites would be suitable for waste management.

ID 28-040-20141016 Last updated 16 10 2014

### **Does the preference for suitable brownfield sites rule out greenfield allocations?**

While priority should be given to the re-use of previously developed land, greenfield allocations need not be entirely ruled out if that is the most suitable, sustainable option. Not all brownfield sites will be suitable for the range of waste management facilities required to support the Local Plan and some may be of high environmental value. The concern is to ensure good use of suitable 'brownfield' land and avoid turning unnecessarily to greenfield locations.

ID 28-041-20141016 Last updated 16 10 2014

7. Planning for London's waste (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/planning-for-londons-waste/>)

### **Planning for London's waste**

#### **Why are waste targets set out for London boroughs in the London Plan?**

Apportionments of waste to London boroughs set out in the London Plan [\[2\]](https://www.london.gov.uk/priorities/planning/london-plan) (<https://www.london.gov.uk/priorities/planning/london-plan>) provide a benchmark for the preparation of Local Plans and a basis for Annual Monitoring Reports. Waste planning authorities should have regard to the apportionments set out in the London Plan when developing their policies. The Local Waste Plan will need to be in general conformity with the London Plan.

ID 28-042-20141016 Last updated 16 10 2014

#### **How should waste planning authorities in London identify a waste management capacity gap?**

Waste planning authorities will need to plan for the delivery of sites and areas suitable for waste management to fill the gap between existing and required waste management capacity.

The need for replacement capacity should reflect that:

- apportionments provide high-level benchmarks for local planning, and are subject to annual monitoring and regular review
- existing facilities may close sooner or later than predicted
- capacity may be developed at a slower or faster rate than predicted.

ID 28-043-20141016 Last updated 16 10 2014

## **How should waste planning authorities plan for London's waste?**

Given the unique waste needs of London, there is likely to be a need for waste planning authorities surrounding London to take some of London's waste. The Mayor and waste planning authorities in London should engage constructively, actively and on an ongoing basis with other authorities, under the duty to cooperate, to help manage London's waste.

ID 28-044-20141016 Last updated 16 10 2014

8. Determining planning applications (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/determining-planning-applications/>)

### **Determining planning applications**

#### **How are counties and districts expected to work together in respect of waste development planning applications?**

Reflecting the close co-operation expected between waste planning and district authorities in respect to developing waste planning policy through the duty to cooperate, a collaborative approach should also apply in respect to waste development planning applications. Specifically, pre-planning application discussions between counties and their districts is strongly encouraged. On receipt of applications, county planning authorities are required to consult district authorities [\[1\]](http://www.legislation.gov.uk/ukxi/2010/2184/article/22/made) (who are statutory consultees under Schedule 5 of the Development Management Procedure Order [\[2\]](http://www.legislation.gov.uk/ukxi/2010/2184/pdfs/ukxi_20102184_en.pdf)) and then consider any subsequent representations as material considerations to be taken into account before determining applications.

ID 28-045-20141016 Last updated 16 10 2014

#### **When can unallocated sites be used?**

There may be significant changes in, for example, technological impact and land ownership that occur over a short period of time and provide opportunities that were not anticipated.

In the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. If the proposal

is consistent with an up to date Local Plan, there is no need to demonstrate 'need'.

Where monitoring indicates that a persistent, and significant gap, exists between what has been planned for and what is occurring in reality, the waste planning authority may consider addressing this through review of the Local Plan.

ID 28-046-20141016 Last updated 16 10 2014

### **Should existing waste facilities be expanded/extended?**

The waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant. Engagement with the local communities affected by previous waste disposal decisions will help in these considerations.

ID 28-047-20141016 Last updated 16 10 2014

### **Are time extensions for landfill sites allowed?**

Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste.

The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations.

ID 28-048-20141016 Last updated 16 10 2014

### **Should significant developments include a waste audit?**

For proposals that are likely to generate significant volumes of waste through the development or operational phases it will be useful to include a waste audit as part of the application. This audit should demonstrate that in both construction and operational phases of a proposed development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner in accordance with the Waste Hierarchy. In particular, the waste audit could cover the following:

- the anticipated nature and volumes of waste that the development will generate
- where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development
- the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities
- any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is

complete.


Before granting planning permission, the local planning authority will need to be satisfied that the impacts of non-waste development on existing waste management facilities are acceptable and do not prejudice the implementation of the Waste Hierarchy. Where appropriate, the local planning authority may require additional waste management measures in order to facilitate the movement of waste management up the Hierarchy. In addition, the potential impacts from noise, vibration, artificial light, dust and odour must be properly considered for any proposed site.

ID 28-049-20141016 Last updated 16 10 2014

## 9. Regulatory regimes (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/regulatory-regimes/>)

### **Regulatory regimes**

#### **What is the relationship between planning and other regulatory regimes?**

The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to National Planning Policy for Waste  (<https://www.gov.uk/government/publications/national-planning-policy-for-waste>).

There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.

ID 28-050-20141016 Last updated 16 10 2014


#### **What is the main role of the environmental permit?**

The role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.

ID 28-051-20141016 Last updated 16 10 2014

#### **How should the developer, waste planning authority and Environment Agency work together at pre-application and application stage?**

The Environment Agency plays an important role at the pre-application stage of proposals for waste management facilities, especially large-scale proposals, since they may be involved in providing advice to the waste planning authority

on a formal planning application. Pre-application discussions with the Environment Agency will help developers identify and respond to any key issues that could affect planning and/or permitting decisions when they are locating and designing developments. Applicants are encouraged, but are not required, to submit their application for planning permission and an environmental permit at the same time to minimise the extent of additional work and ensure integrated and timely decisions. Further advice can be found in “Guidance for developments requiring planning permission and environmental permits  (https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/297009/LIT\_7260\_bba627.pdf)” published by the Environment Agency in October 2012.

ID 28-052-20141016 Last updated 16 10 2014

**10. Inspections and Monitoring** (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/inspections-and-monitoring/>)

## **Inspections and Monitoring**

### **What inspections should the local planning authority carry out?**

Article 34 of the Waste Framework Directive and Regulation 19(2) of the Waste (England and Wales) Regulations 2011 require local planning authorities to carry out appropriate inspections of waste management facilities.

There is no prescription on the frequency and requirements of such inspections, which is left to the discretion of authorities to determine. In practice such inspections are likely to occur either as part of any wider inspection to check compliance with the terms of the planning permission, or as part of an investigation of any allegation of a breach of planning control such as a failure to comply with planning conditions.

ID 28-053-20141016 Last updated 16 10 2014

### **What should waste planning authorities monitor?**

To ensure compliance with the Waste Framework Directive, waste planning authorities should use the Annual Monitoring Reports to ensure there is sufficient information to determine the location and capacity of existing major disposal and recovery installations, and of future disposal or major recovery installations. Authorities should also use the Annual Monitoring Reports to review the assessment in the Local Plan of the need for closure of existing waste installations and of the need for additional waste installations.

Waste planning authorities should monitor at least the following:

- **Land allocations**

- Consideration should be given to why any allocated sites and areas have not been taken up as anticipated. If there are doubts about the prospects of particular land allocations coming forward, and this would damage the planning strategy, consideration will need to be given to bringing forward alternative, or additional, allocations. Monitoring should also take into account any new site-specific data relevant to the original site appraisal process, as well as any additional considerations, such as changes in environmental legislation or new waste treatment technologies.

- **Changes to waste management capacities and the need for additional**

## waste infrastructure

- It will be important to consider both permissions granted and additions to the stock of waste management facilities, both by waste management type and by waste stream.
- Account should be taken of any sites that have been closed, completed, or that have reached the end of their lifetime. Comparison between completed capacity and permissions granted can help to give a broad indication of trends in waste management. By building up a picture of trends in delivery rates, a planning authority is in a better position to understand the scale of land allocations required to deliver the planning strategy. Monitoring should also address the capacity of permitted and registered exempt sites. A suggested form to adopt is set out in Annex 2 (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/annex-2-annual-capacity-of-waste-management-facilities/>).

### • Annual arisings

- Forecasts of future waste arisings from various sources are important to underpin the assessment of need for new waste management capacity.

It is up to each waste planning authority to develop its own indicators. However, where information is shared, a common approach to monitoring and consistency in recording permissions and changes in the stock of waste management facilities will help avoid unnecessary confusion and duplication of activity.

ID 28-054-20141016 Last updated 16 10 2014

11. Annex 1: Summary of articles of the Waste Framework Directive (2008/98EC) and actions on local planning authorities (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/annex-1-summary-of-articles-of-the-waste-framework-directive-200898ec-and-actions-on-local-planning-authorities/>)

## Annex 1: Summary of articles of the Waste Framework Directive (2008/98EC) and actions on local planning authorities

Waste Framework Directive 2008/98/EC	Delivery mechanism / Action
<p><b>Article 4: Waste Hierarchy</b></p> <p>The following waste hierarchy shall apply as a priority order in waste prevention and management legislation and policy:</p> <ul style="list-style-type: none"><li>• prevention;</li><li>• preparing for re-use;</li><li>• recycling;</li><li>• other recovery, e.g. energy recovery; and</li><li>• disposal</li></ul>	<p>Waste planning authorities need to consider the hierarchy of waste management options when drawing up Local Plans in line with National Planning Policy for Waste.</p> <p>The waste hierarchy is also capable of being a material consideration when determining individual proposals for waste management facilities. All local planning authorities can make a contribution to promoting the sound management of waste as part of any proposed development.</p>
<b>Article 13: Protection of</b>	Planning Authorities must have regard to the

<p><b>Human Health and the Environment</b></p> <p>Member states shall take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular:</p> <ul style="list-style-type: none"> <li>• without risk to water, air, soil, plants or animals;</li> <li>• without causing a nuisance through noise or odours; and</li> <li>• without adversely affecting the countryside or places of special interest.</li> </ul>	<p>provisions of Article 13 when exercising planning functions to the extent that those functions relate to waste management.</p> <p>This is to ensure that any waste is handled in a manner which guards against harm to human health and the environment when exercising their planning functions to the extent that those functions relate to waste management.</p>
<p><b>Article 16: Principles of self-sufficiency and proximity</b></p> <p>Member States shall establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households.</p> <p>The network shall enable waste to be disposed of or recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public</p>	<p>Planning Authorities must have regard to the provisions of Article 16 when exercising planning functions to the extent that those functions relate to waste management.</p> <p>Waste planning authorities should ensure that, as far as is practicable, sufficient waste disposal facilities and facilities for the recovery of mixed municipal waste collected from households exist within their Local Plan area.</p> <p>Waste planning authorities should ensure that waste disposal facilities and facilities for the recovery of mixed municipal waste collected from households are appropriately sited to ensure compliance with the proximity principle. This can include joint working with other planning authorities to develop an extensive network of sites to enable effective waste management.</p>
<p><b>Article 28: Waste Management Plans</b></p> <p>The waste management plans shall contain, as appropriate and taking into account the geographical level and coverage of the planning area, at least the following:</p> <ul style="list-style-type: none"> <li>• existing major disposal and recovery installations</li> </ul>	<p>Waste planning authorities should ensure that there is sufficient information in the Local Plan and/or annual monitoring reports to determine the location and capacity of existing major disposal and recovery installations.</p> <p>Waste planning authorities should undertake an assessment of the need for closure of existing waste installations and an assessment of the need for additional waste installation as part of the preparation of</p>

<ul style="list-style-type: none"> <li>• an assessment of the need for closure of existing waste installations, additional waste installation infrastructure in accordance with Article 16</li> <li>• sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations</li> </ul>	<p>local authority Local Plans. Waste planning authorities should keep these assessments under review through the production of Annual Monitoring Reports.</p> <p>Waste planning authorities should ensure that there is sufficient information in the Local Plan and Annual Monitoring Reports to determine the location and capacity of future disposal or major recovery installations.</p>
<p><b>Article 34: Inspections</b></p> <p>Establishments or undertakings which carry out waste treatment operations which collect or transport waste on a professional basis, brokers and dealers which produce hazardous waste shall be subject to appropriate periodic inspections by the competent authorities.</p>	<p>Regulation 19 of the Waste (England and Wales) Regulations 2011 requires planning authorities with planning functions in respect of undertakings carrying on disposal or recovery of waste to ensure that periodic inspections are made.</p> <p>In practice such inspections are likely to occur either as part of a wider inspection of ensuring compliance with the terms of the planning permission or in investigating any allegation of a breach of planning conditions.</p>

ID 28-055-20141016 Last updated 16 10 2014

12. Annex 2: Annual capacity of waste management facilities (<http://planningguidance.planningportal.gov.uk/blog/guidance/waste/annex-2-annual-capacity-of-waste-management-facilities/>)

### Annex 2: Annual capacity of waste management facilities

Type of waste site	Current Permitted capacity / throughput (tonnes per annum)	Planned capacity (with approx start date)	Remaining capacity (if appropriate)	End date (if appropriate)	Site address (or location on allocations map)
<b>Recycling</b>					
Composting					
Household Waste Recycling Sites					
Transfer stations (where recycling takes place)					
Materials					




Recycling Facilities					
Construction and Demolition waste recycling					
Tyre Recycling					
<b>Total</b>					
<b>Recovery</b>					
Energy from waste					
Metal Recycling and End of Life Vehicle Facilities					
<b>Total</b>					
<b>Treatment</b>					
Mechanical Biological Treatment (with Anaerobic Digestion)					
Anaerobic digestion					
Thermal Treatment (Energy recovery)					
Clinical Waste Transfer and Treatment					
Soil Treatment					
<b>Total</b>					
<b>Disposal</b>					
Incineration (without energy recovery)					
Land fill site					

<b>Total</b>					
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ID 28-056-20141016 Last updated 16 10 2014

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