

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 11 OCTOBER 2006

SCOTTISH PLANNING POLICY (SPP) 10

PLANNING FOR WASTE MANAGEMENT- CONSULTATION DRAFT

Report by the Executive Director of Development and Property Services

1 PURPOSE OF REPORT

- 1.1** To advise the Committee of, and to obtain the Committee's views on, a Scottish Executive publication entitled 'Scottish Planning Policy, SPP10: Planning for Waste Management: Consultation Draft'.

2 BACKGROUND INFORMATION

- 2.1** As part of its ongoing programme to update current national planning policy guidance, the Scottish Executive has produced consultation draft Scottish Planning Policy SPP10 on the subject of planning for waste management. The SPP reflects the Scottish Ministers' commitment to improving Scotland's waste management record and supports a planned approach to the identification of sites for installations using a range of technologies. In addition, the SPP promotes a model policy for planning authorities to adopt in their development plans. Once finalised, the SPP will replace NPPG 10: Planning and Waste Management. Representations on the SPP are requested by 6 November 2006.

3 THE CONSULTATION DRAFT

- 3.1** The SPP has been prepared in the context of the Scottish Executive's White Paper on planning reform, 'Modernising the Planning System (2005)', and the new Planning Bill and reflects the provisions of the Waste Framework Directive, the Landfill Directive, the Landfill (Scotland) Regulations 2003, the National Waste Strategy, the National Waste Plan and Area Waste Plans. The document deals with a wide range of waste related issues comprising waste infrastructure, sustainable waste management, development plan and waste management requirements, the assessment of waste related development proposals, development management and monitoring and implementation. The SPP also details SEPA's planning role in the waste management process. A summary of the approach taken in the SPP regarding these particular issues is provided below. In addition, a more detailed synopsis of the main provisions of the SPP is provided in the annex attached to this report, together with suggested Council comments on the issues raised.

3.2 Waste Infrastructure

The draft SPP recognises that the new generation of installations required to manage waste is much broader than those previously required to meet the needs of basic waste collection and disposal to landfill and includes composting and recycling facilities, transfer stations and thermal / mechanical / biological treatment plants and gasification units. The SPP still recognises, however, the need for new and larger landfill sites for residual wastes from which no further recyclables, products or energy can be recovered.

3.3 Sustainable Waste Management

The SPP advocates that waste management developments should accord with a waste hierarchy favouring waste reduction over reuse, recycling, recovery of energy and then disposal, guiding choices about waste management options. Development should also be guided to the most sustainable locations with the needs of economic development being coordinated with the safeguarding of communities and environmental stewardship. In particular, the SPP gives policy guidance regarding such issues as the location of waste management installations, engagement with local communities, impact of development on local communities and community benefit.

3.4 Development Plans and Waste Management

The SPP stresses the importance of development plans providing the spatial dimension of the 2013 Area Waste Plan capacity requirements shown by the National Planning Framework. In particular, the SPP states that infrastructure identified in Area Waste Plan reviews and any infrastructure over and above Area Waste Plan requirements needs to be recognised in development plans. Also, structure plans should consider general proposals for the development and use of land for waste management installations and local plans should define the precise locations and factors against which applications will be determined.

3.5 Assessing Development Proposals

The SPP discusses and gives detailed policy guidance relating to a number of specific waste management processes and issues, comprising thermal treatment and energy from waste, landfill, land raising, the Landfill (Scotland) Regulations 2003, cumulative impacts relating to landfill, sewage and other process sludges and waste management planning in other developments.

3.6 Development Management

The SPP addresses a number of broad issues relating to planning conditions, licencing powers, monitoring and enforcement, design and Site Waste Management plans. In particular, the document helps clarify the distinction between the planning and licencing roles of SEPA and local authorities and makes it clear that the planning system should focus on whether waste management developments themselves represent an acceptable use of the land concerned rather than focusing on the control of the processes or waste streams involved. The SPP also recommends that planning authorities should require the preparation of site waste management plans for proposed new development with a project value of over £200,000, as a condition of planning permission in order to manage waste on site.

3.7 Monitoring and Implementation

The SPP places particular emphasis on a plan led approach to waste management, community engagement, the importance of reaching statutory targets on time and the role planning authorities need to play to further the aim of sustainable waste management. The Scottish Executive aims to monitor progress on development plans and planning consents for new installations and will implement the policies of the SPP in their consideration of development plans and planning applications notified to them under existing and proposed new planning procedures.

4. GENERAL COUNCIL OBSERVATIONS AND COMMENT ON THE SPP

4.1 The contents of the SPP are generally worthy of support. However, the Council would wish to make the following observations on the document.

- (i) Concern is expressed with regard to the form, content and extent of the model waste management policy proposed in the document. It is considered that the policy itself requires significant expansion, clarification and rewording.
- (ii) The SPP concentrates almost exclusively on the management of municipal waste which comprises only a small part of the waste arising in Scotland. While the policy advice regarding municipal waste is welcomed, it is considered that expansion of the SPP to address non-municipal waste management matters would be beneficial.

5. FINANCIAL IMPLICATIONS

5.1 It is considered that there are no immediate financial implications for the Council as a direct result of the consultation draft of the SPP. There may be further consequences when the final policy is determined but these are unknown at present.

6. LEGAL IMPLICATIONS

6.1 There are no legal implications for the Council as a direct result of the consultation draft of the SPP.

7. POLICY IMPLICATIONS

7.1 There are no direct policy implications for the Council as a direct result of the consultation draft of the SPP. However, once finally approved by the Scottish Ministers, some amendments to the waste management policies proposed in the emerging Alteration to the East Ayrshire Local Plan may be required to reflect the provisions of the document.

8. COMMUNITY PLAN IMPLICATIONS

8.1 There are no community plan implications for the Council as a direct result of the consultation draft of the SPP.

9 RECOMMENDATIONS

9.1 It is recommended that the Committee:

- (i) Agree to note the contents of this report; and
- (ii) Agree to authorise the Executive Director of Development and Property Services to submit a copy of this report to the Scottish Executive as representing the views of the Committee on the draft SPP.

James Lavery
Executive Director of Development and Property Services
(JL/SA) - FV
21 September 2006

LIST OF BACKGROUND PAPERS

- 1. Scottish Planning Policy SPP10:Planning for Waste Management: Consultation Draft**

For further information on the contents of this report contact Karl Doroszenko, Policy and Projects Manager or John Lilley, Principal Planning Officer on 01563 576751 or 01563 576754 respectively.

Implementation Officer: Alan Neish

ANNEX 1

MAIN PROVISIONS OF THE SPP AND SUGGESTED COUNCIL COMMENTS ON THE ISSUES RAISED

Waste Infrastructure

The draft SPP recognises that the new generation of installations required to manage waste is much broader than those previously required to meet the needs of basic waste collection and disposal to landfill and includes composting and recycling facilities, transfer stations and thermal / mechanical / biological treatment plants and gasification units. The SPP still recognises, however, the need for new and larger landfill sites for residual wastes from which no further recyclables, products or energy can be recovered.

The Council has noted the provisions of the SPP with respect to waste infrastructure and had no observations to make on the document in this regard.

Sustainable Waste Management

The SPP advocates that waste management developments should accord with a waste hierarchy favouring prevention over reuse, recycling, recovery then disposal, guiding choices about waste management options. Development should also be guided to the most sustainable locations with the needs of economic development being coordinated with the safeguarding of communities and environmental stewardship. In particular, the SPP advises that:

- (i) where concerns about health are raised, planning authorities should ensure that they consider only the locational implications of any advice;
- (ii) in accord with the proximity principle, waste should be transported to nearby facilities and preferably by modes other than road;
- (iii) development plans should contain allocations of employment or industrial land well suited to a range of waste management installations;
- (iv) planning authorities should seek to overcome community sensitivity to major waste management proposals by working closely with the communities concerned to shape policies and allocate land uses;
- (v) applicants should carry out adequate pre-application consultation with local communities and submit a report of consultation along with any planning application to be submitted;
- (vi) community liaison groups or advisory panels should be set up to ensure that the concerns of communities are addressed properly and quickly;
- (vii) community benefits through trust fund donations can be sought by planning authorities in the case of landfill developments. Such benefits are not considered appropriate for waste management facilities which are capable of being established on industrial sites;

- (viii) appropriate sites for new waste transfer, separation and handling installations should be identified through the development plan process;
- (ix) existing waste handling installations should be protected by development plan policy; and
- (x) the establishment of appropriate buffer zones between sensitive receptors and operations may be considered acceptable in certain circumstances, particularly with regard to outdoor composting installations and landfill sites.

The Council is fully supportive of the waste hierarchy proposed in the SPP and to the direction of new waste management installations to preferred locations. The Council is also fully supportive of the measures proposed to ensure maximum community engagement in the waste management planning process and to ensure that communities are adequately protected from any adverse environmental or other effects of certain landfill and composting processes.

With the SPP relating almost exclusively to municipal waste management, the Council is concerned that the management of non- municipal waste may not be subject to the identified waste hierarchy identified for the management of municipal waste. Some clarification is requested in this regard.

Paragraph 8 of the SPP mentions that there is an increase in waste arisings of about 2% every year and the Council's Head of Protective Services has some concerns about the inclusion of such a precise figure in the document. It is suggested that this figure should be replaced with a broader statement that waste arisings are growing but by a presently unknown amount.

It has been suggested by the Council's Head of Protective Services that there may be merit in compiling national guidelines for various types of waste management facility on a numerical basis ie one recycling facility for every x households: x in-vessel composting and energy from waste facilities within the each Area Waste Group boundary etc. Further consideration could possibly be given to this suggestion in the SPP.

Development Plans and Waste Management

The SPP stresses the importance of development plans providing the spatial dimension of the 2013 Area Waste Plan capacity requirements shown by the National Planning Framework. In particular:

- (i) infrastructure identified in Area Waste Plan reviews and any infrastructure over and above Area Waste Plan requirements needs to be recognised in development plans;
- (ii) structure plans should consider general proposals for the development and use of land for waste management installations and local plans should define the precise locations and factors against which applications will be determined;
- (iii) potential duplication of installations across planning authority boundaries should be resolved by local authorities working together to provide 'strategic outline cases' for submission to the Scottish Executive;

- (iv) planning authorities should make long term provision in development plans for the safeguarding of potential landfill sites;
- (v) Scottish Enterprise should be consulted during the preparation of development plans to ensure that the waste policy and operational requirements of the business sector and consideration of land holdings and employment strategies are reflected fully; and
- (vi) planning authorities are encouraged to integrate a new model policy regarding waste management, a draft version of which is mooted in the draft SPP, into development plans at the next available opportunity.

The Council is fully supportive of the requirement for local plans to identify, in locational terms, those waste management facilities required to meet future waste management requirements identified in Area Waste Plans. The Council is also supportive of the proposal for local authorities to work together to provide 'strategic outline cases' for submission to the Scottish Executive in cases where potential duplication of installations across planning authority boundaries is likely to occur. This is particularly pertinent to the three Ayrshire Authorities in the implementation of the provisions of the Ayrshire and Dumfries and Galloway Area Waste Plan.

The Council is also supportive, in principle, of the preparation of a model policy or policies regarding waste management. It is considered, however, that the wording of the draft policy suggested in the SPP leaves much to be desired and requires substantial modification if it is to provide a strong policy base for future waste management development in locational terms. As it stands at the moment, the policy comprises simply a broad general statement on preferred locations and the use of the word 'generally' in the policy makes it imprecise and open to challenge. It is also considered that the reference to 'Circular 1/1998 explaining the Town and Country Planning (Use Classes)(Scotland) Order 1997' as an integral part of the policy is totally unnecessary and superfluous. Such explanatory information would be better attached to the policy as an ancillary supporting statement rather than comprising part of the policy itself.

It is considered that the whole range of waste management installations can not be adequately covered, with any clarity, in a single policy and that more succinct policy guidance would be achieved by the production of a series of separate policies addressing specific waste management issues. In this regard, it is suggested that a policy could be devised to address the location of those types of waste management installation that have minimal environmental or community impact. Separate policies could possibly address the specific issue of waste transfer stations and the issue of landfill and large scale composting installations with potentially wide reaching environmental impacts. In addition, further policies could also be devised to address the cumulative impacts of developments as addressed in paragraphs 43 and 44 of the SPP and co-located installations as mentioned in paragraph 29. It is considered important that any model policy or policies should cover the whole range of potential waste management installations with their specific locational requirements and not just those specific elements cherry picked for attention in paragraph 28.

The whole issue of model policy production in relation to waste management facilities requires considerable more attention than is currently given to it in the draft SPP.

Assessing Development Proposals

The SPP discusses and gives detailed policy guidance relating to a number of specific waste management processes and issues, comprising thermal treatment and energy from waste, landfill, land raising, the Landfill (Scotland) Regulations 2003, cumulative impacts relating to landfill, sewage and other process sludges and waste management planning in other developments. The main points raised comprise the following:

- (i) SEPA's guidelines on thermal treatment of municipal waste should be used by planning authorities in developing policies, allocating sites or assessing development proposals;
- (ii) thermal treatment plants processing urban waste should be located close to the sources of waste to reduce the need for transportation. In rural areas, farmland or forests may determine the best locations for thermal treatment plants designed for biomass;
- (iii) well engineered and monitored landfill sites will continue to be one way of treating and disposing of waste and of recovering land. The Executive also supports the principle of energy recovery from existing landfill sites;
- (iv) land raising on previously undisturbed land is unlikely to be considered acceptable unless there are no suitable alternatives;
- (v) planning authorities should ensure that landfill proposals will not lead to a disproportionate burden of negative environmental impacts on nearby settlements, particularly if there are already two or more operational sites (including mineral or opencast coal sites) that could raise similar impacts within 5 kilometres of the settlements concerned. If this occurs, and if developers cannot demonstrate that appropriate mitigation measures cannot be put into place, applications for the landfill developments concerned should be refused;
- (vi) the use of sewage and other waste sludges on non agricultural land should be permitted subject to appropriate controls being put into place; and
- (vii) residential, commercial and industrial properties should be designed to provide for waste separation and kerbside collection of recyclable materials at source.

The Council has noted the provisions of the SPP with respect to the assessment of the particular waste management development proposals detailed above and has no observations to make on the document in this regard. A number of the provisions of the SPP, particularly those relating to waste separation and kerbside collection at source, are already implemented by the Council.

Development Management

The SPP addresses a number of broad issues relating to planning conditions, licencing powers, monitoring and enforcement, design and Site Waste Management plans. In particular, the document helps clarify the distinction between the planning and licencing roles of SEPA and local authorities and makes it clear that the planning system should focus on whether waste management developments themselves represent an acceptable use of the land concerned rather than focusing on the control of the processes or waste streams involved. The SPP also recommends that planning authorities should require the preparation of site waste management plans for proposed new development with a project value of over £200,000, as a condition of planning permission in order to manage waste on site.

The provisions of the SPP in respect of development management are duly noted and the Council is supportive of the approach taken to differentiate between the roles of SEPA and the planning authority in so far as their respective waste management responsibilities are concerned. The Council is supportive of the preparation of site waste management plans for proposed new development with a project value of over £200,000 as proposed.

Monitoring and Implementation

The SPP places particular emphasis on a plan led approach to waste management, community engagement, the importance of reaching statutory targets on time and the role planning authorities need to play to further the aim of sustainable waste management. The Scottish Executive aims to monitor progress on development plans and planning consents for new installations and will implement the policies of the SPP in their consideration of development plans and planning applications notified to them under existing and proposed new planning procedures.

The Council supports the plan led approach advocated in the SPP but has no observations to make on the above issues.