

**PLANNING POLICY WALES**

**Technical Advice Note (Wales) 21**

**WASTE**

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# 1 THE PLANNING FRAMEWORK IN WALES

## Introduction

1.1 This planning guidance should be read in conjunction with the following:

- Planning Guidance (Wales) Planning Policy (First Revision)<sup>1</sup>
- Waste Strategy 2000 (England and Wales)
- Wales Waste Strategy- currently in draft (Managing Wales Sustainably – Consultation Paper issued in July 2001) upon its publication early in 2002 this document will become a material consideration for waste planning in Wales.

1.2 Planning Guidance, Technical Advice Notes and circulars should be taken into account by local planning authorities in Wales in the preparation of development plans. They may be material to decisions on individual planning applications and will be taken into account by the National Assembly for Wales and Inspectors in the determination of called-in planning applications and appeals.

1.3 This guidance note provides advice about how the land use planning system should contribute to sustainable waste resource management. The forthcoming Wales Waste Strategy (currently a consultation draft) will deal with matters beyond the scope of this guidance in providing a framework within which Wales can reduce the amount of waste it produces and deal with waste which has been produced in a more sustainable manner. This document has been prepared in parallel with the draft Wales Waste Strategy in the full knowledge of the likely issues emerging in the Strategy. Waste is a vitally important issue in a society striving for sustainability. With its commitments to sustainable development, the Assembly has a desire to address waste issues and develop sustainable methods of waste resource management.

1.4 Waste is a wide ranging term encompassing most unwanted materials and is defined by the Environmental Protection Act 1990 (Section 75) as including-

- a. any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process;
- b. any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled.

Explosives within the definition of the Explosives Act 1875 are excluded. Further definitions of different waste types are also provided in the Environmental Protection Act 1990.

1.5 The definition of waste will be amended in due course to bring it into line with the Waste Framework Directive (see paragraph 1.13) following the commencement of paragraph 88 of Schedule 22 to the Environment Act 1995. This paragraph will amend the definition of waste to mean any substance or object in the categories set out in a new Schedule<sup>2</sup> to the 1990 Act which the holder discards or intends or is required to discard. It should be borne in mind, however, that the introduction of the Waste Management Licensing Regulations 1994<sup>3</sup>, in part, extends the definition of waste, albeit temporarily pending an amendment to Section 75 of the Environmental Protection Act 1990. The stated intention is to transpose into national

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<sup>1</sup> Planning Guidance (Wales) Planning Policy First Revision 1999 is under review. A consultation draft Planning Policy Wales issued in March 2001; Planning Policy Wales is due to issue in Spring 2002.

<sup>2</sup> Schedule 2B to the Environmental Protection Act 1990 (to be inserted on the commencement of paragraph 88 of Schedule 22) is set out in paragraph 95 of Schedule 22 of the Environment Act 1995.

<sup>3</sup> Waste Management Licensing Regulations 1994, Regulation 1 (SI 1994 No 1056)

legislation a definition of waste which is consistent with the definition found in the Waste Framework Directive<sup>4</sup>.

1.6 The waste planning authority is the unitary and National Park authority with responsibility for land use planning control over waste management. The waste collection and disposal authority is the unitary authority responsible for the safe disposal of municipal wastes arising in a particular geographical area, that is, the 22 unitary authorities not including the National Park authorities (Waste Strategy 2000: England and Wales). The waste regulation authority is the Environment Agency that is responsible for the issue and control of waste permits.

1.7 The Assembly and the rest of the United Kingdom are committed to implementing a number of directives regarding waste (Annex A). The cumulative result of these is a legal framework that will shape the way that waste has to be planned for and managed. There is also a statutory sustainable development duty under the Government of Wales Act.

### **Scope of this guidance**

1.8 This Technical Advice is intended to facilitate the introduction of a comprehensive, integrated and sustainable land use planning framework for waste management in Wales. The developing legal, environmental and technological circumstances influencing waste resource management will require changes of priorities and solutions that the land use planning system cannot deliver on its own. Therefore planning authorities will have to adopt a partnership approach with others in local and central government, the National Assembly for Wales, the waste management industry, the Environment Agency, the voluntary sector and the general public. The advice also refers to the relationship between the local planning authorities and the Environment Agency, as competent authorities for the planning system and pollution control regime respectively (Section 12).

### **Sustainable Waste Management**

1.9 Achieving sustainable development is an integral part of the Assembly's policies<sup>5</sup>. It can be described as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". The movement towards sustainable development in relation to planning for waste should be guided by principles on which any framework for waste management should be founded, and these principles are described in Section 3.

1.10 The land use planning system has an important role to play in facilitating sustainable waste management and should:

- provide a planning framework which enables adequate provision to be made for waste resource management facilities to meet the needs of society for the re-use, recovery and disposal of waste;
- help meet the needs of business and encourage competitiveness;
- encourage sensitive waste management, enhance the overall quality of the environment and avoid risks to human health;
- have regard to the need to protect areas of designated landscape and nature conservation value from inappropriate development;

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<sup>4</sup> Environmental Protection Act 1990: Part II, Waste Management Licensing, The Framework Directive on Waste. WO Circular 26/94 (DOE 11/94) Annex 2, 2.4 to 2.6

<sup>5</sup> Learning to Live Differently, National Assembly for Wales, November 2000

- have regard to the need to protect the amenity of the community and of land uses and users affected by existing or proposed waste management facilities;
- minimise adverse environmental impacts resulting from the handling, processing, transport and disposal of waste;
- consider what new facilities may be needed, in the light of waste forecasts; and,
- ensure that opportunities for incorporating re-use/recycling facilities in new developments are properly considered.

### Scale of Waste Production and Management in Wales

1.11 Estimates for the quantity of waste arisings in Wales in 1998/99, together with estimates for how these wastes are managed are given in Table 1. Not all of the waste arising in Wales is managed in Wales, some is 'exported' (to other UK countries) for disposal, treatment or recovery<sup>6</sup> but accurate data on imports and exports of waste is not yet available.

1.12 Estimates for the quantity and type of waste landfilled in Wales in 1998/99 are given in Table 2. (Differences between the two tables, in the amount of waste produced in Wales which was landfilled and the amount of waste landfilled in Wales can be accounted for partly by a possible net export of waste from Wales to elsewhere in the UK, and partly by likely inaccuracies in the estimates derived from surveys). The figures in Tables 1 and 2 will be different in future years because of the reduction of output from the Corus sites in South Wales.

Controlled Waste Category	Arisings		Waste Management Method (1000 t)			
	Tonnage (1000 t)	% Of Total	Re-Used & Recovered/ Recycled	Landfilled	Other Treatment	Transfer & Unknown
Industrial	4989	46	3069	1650	244	28
Commercial	1141	11	206	781	34	121
Household	1331	12	69	1262	0	0
C&D	3285	31	2467	818	0	0
<b>TOTAL</b>	<b>10746</b>	<b>100</b>	<b>5811</b>	<b>4511</b>	<b>278</b>	<b>149</b>

C&D: Construction and Demolition

*Table 1: Waste arisings in Wales and method of management in 1998/99*

Controlled Waste Category	Total Landfilled	
	Tonnage (1000 t)	% of total
Industrial & Commercial	1535	35
Special industrial	235	5
Household & Commercial (Municipal)	1516	35
C&D & Inert Industrial	1092	25
<b>TOTAL</b>	<b>4378</b>	<b>100</b>

<sup>6</sup>Strategic Waste Management Assessment 2000 Environment Agency Wales, DETR / Annual Municipal Waste Survey 2000 NAW.

C&D: Construction and Demolition

Special: wastes deemed to be special in accordance with the Special Waste Regulations 1996.

*Table 2: Wastes Landfilled in Wales in 1998/99*

### **Planning Implications of Key European Directives on Waste**

1.13 Further details of the key EU Directives and Decisions on waste are included in Annexes A and B. The following summary sets out the requirements of the most relevant Directives and their implications for planning for waste:

#### **The Waste Framework Directive<sup>7</sup>**

1.14 Article 5 of the Framework Directive requires member states to establish an integrated and adequate network of waste facilities. This network should include all necessary waste management facilities including provision for waste transfer, storage, treatment and disposal. The network should be adequate to deal as far as practicable with the full range and amount of waste arisings generated. To achieve this, member states are required to produce waste management plans, setting out their abilities and capacities to manage their own waste arisings, using such networks of facilities. The objective is that the best disposal or treatment option, is located as close as possible to the origin of the generated waste. The provision of adequate networks of waste facilities will depend upon the types of waste in a particular area. The planning system cannot itself deliver this network, much of which is usually provided by the private sector, but it must enable and facilitate the establishment of the network through both the unitary development plans and the development control process.

1.15 Article 7 of the Framework Directive requires that relevant and competent authorities be given the responsibility for preparing waste management plans which “must relate in particular to suitable disposal sites or installations”. This requirement is implemented in Wales through the provisions of Schedule 4 of The Waste Management Licensing Regulations 1994. Guidance is provided in Circular 26/94<sup>8</sup>. Local planning authorities should make it clear in the waste policies of the UDP that the policies satisfy this specific requirement of Article 7 of the Waste Framework Directive.

#### **The Landfill Directive<sup>9</sup>**

1.16 The Landfill Directive sets stringent requirements for the landfilling of wastes in Wales. The key requirements of the Directive are:

- reduction in the amount of biodegradable municipal waste to be landfilled;
- classification of landfill sites into three categories: Inert; Hazardous and Non Hazardous (with strict control over the wastes landfilled in each of the three categories of sites);
- banning of certain wastes from landfill;
- treatment of wastes prior to landfill; and
- landfill location requirements.

1.17 Local planning authorities should assist developing industries that are producing recycled and secondary materials to find sites for, and overcome constraints associated with,

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<sup>7</sup> Framework Directive on Waste (75/442/EEC, amended 91/156/EEC and 91/692/EEC)

<sup>8</sup> Environmental Protection Act 1990: Part II, Waste Management Licensing, The Framework Directive on Waste. WO Circular 26/94 (DOE 11/94)

<sup>9</sup> Council Directive 99/31/EC on the Landfill of Waste

proposals which genuinely aim to help Wales meet the biodegradable municipal waste targets of the Landfill Directive (as set out in Annex B).

1.18 Local planning authorities and waste management operators should be mindful of the fact that changes in the nature and acceptability of current landfill arrangements will necessitate changes in the treatment and disposal of waste. These changes will need to be taken into account when preparing development plans, and considered carefully in development control. Planning applications for work to bring existing facilities into line with the various directives may be needed, and should be regarded in the light of the need to comply with the Landfill Directive, provided that the proposals are acceptable in land use planning terms.

1.19 Local authorities should make adequate provision for facilities to provide for waste prohibited from landfills and for pre-treatment facilities when preparing their development plans. These facilities are listed in paragraph 5.4.

1.20 Other key drivers include the EU Directive on Hazardous Waste<sup>10</sup>, as amended, that sets out the requirements for the management of special waste. UDPs should specify the provision that is made for this waste stream either within their area or in collaboration with other local authorities.

### **Waste Strategy 2000**

1.21 Waste Strategy 2000 (England and Wales) sets out the UK Government's main objectives for waste policy and waste management in England and Wales. The National Assembly for Wales is now revising the Strategy to provide Wales with its own distinctive framework early in 2002. This document has been prepared with the full knowledge of the emerging issues in the draft Wales Waste Strategy.

1.22 The Town and Country Planning (Development Plan) (Amendment) Regulations 1997 require local planning authorities to have regard to the national waste strategy in formulating their unitary development plans and this is confirmed in the Assembly's advice on preparing unitary development plans<sup>11</sup>. Waste Strategy 2000 implements many of the requirements of the EC Waste Directives and confirms the responsibility of waste planning authorities for identifying suitable sites for waste treatment or disposal installations (Part 1 paragraph 4.13).

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<sup>10</sup> Directive 91/689/EEC

<sup>11</sup> Unitary Development Plans Wales, National Assembly for Wales February 2001

## 2 REGIONAL CO-ORDINATION IN WALES

### Need for Regional Co-ordination

2.1 To satisfy Article 5 of the Waste Framework Directive and to implement the Waste Strategy, it is necessary to consider the role and use of regional arrangements within Wales. A strategic approach to waste planning will ensure that there will be better data collection and monitoring of overall capacity, that all waste streams will be fully considered and will enable economies of scale to reduce the need for every type of facility in each local authority. Efficient use of established lines of communication and co-operation will help ensure that Wales delivers on its commitments to these principles. There is already an obligation upon waste planning authorities to make provision for a network of facilities under the Waste Management Licence Regulations 1994, and this planning guidance reasserts the importance of that obligation.

2.2 Adopting a waste facilities network in Wales will mean that local planning authorities will be able to look outside their own area for facilities and capacity if necessary. Welsh Office Circular 26/94<sup>12</sup> provides guidance on the issue of a 'reasonable distance' when looking outside the local planning authority boundary for certain capacities. The adequacy of facilities within a reasonable distance will depend on the type of waste concerned, the quantity arising in the area, and the particular geographical circumstances. Welsh local authorities should develop and formalise their cross boundary liaison and co-operative arrangements. This is especially important in the case of wastes that arise only periodically, or in dispersed locations. A regional level of waste planning makes the task of meeting waste management targets more manageable and more locally relevant than plans issued by a central administration.

### Joint Local Authority Arrangements

2.3 Welsh local authorities in conjunction with the National Assembly for Wales are expected to establish voluntary joint arrangements to prepare waste plans for each of the regions shown in Map 1. These are essential to help implement the Wales Waste Strategy and help meet the obligations in EU Waste Directives. Further details of the arrangements are provided in Annex G and illustrated in Figure 1.

2.4 Joint arrangements will help local authorities to meet sustainable waste management commitments. The Regional Waste Plans (RWPs) they produce (see paragraph 2.11 –2.13) will ensure local authorities are able to take a strategic overview of, and respond to, these issues, as well as providing the context for the proper consideration of land use issues relating to waste in unitary development plans. The joint arrangement of authorities in the region will be supported by Regional Technical Groups (RTGs).

2.5 Local authorities are expected to establish joint arrangements, within 6 months of the publication of this advice note, to gather and assess statistics on waste production and management to determine how many new facilities are likely to be required for the future management of all waste arisings in each area. This may require an identification of different options and their likely scenarios in terms of numbers of facilities in order to meet the EU targets. They will have to take into account any existing local authority groupings and their waste management strategies together with current and proposed waste disposal contracts and any other future plans for waste management. Local authorities' planning and waste management officers are expected to work closely together and with the waste management industry, Environment Agency and recycling organisations.

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<sup>12</sup> Environmental Protection Act 1990: Part II, Waste Management Licensing, the Framework Directive on Waste. WO Circular 26/94 (DOE 11/94)

2.6 Each Regional Technical Group will produce a regional assessment within 12 months that will be presented to the authorities in the region. The joint arrangement of authorities will then agree a Regional Waste Plan, with agreed allocations of facilities to each local authority within 6 months of receiving the regional assessment. Unitary Development Plans (UDP) will be required to ensure there is adequate provision for the facilities in accordance with the RWP.

2.7 Joint arrangements between authorities will enable local planning authorities to make better-informed strategic development control decisions. The resulting Unitary Development Plan and Regional Waste Plans, proposed structures and initiatives will help realise the demanding waste management targets that are in place. By fully appreciating the nature and amount of waste a region generates, imports or exports, and with knowledge of the required targets and legislation, joint arrangements will help to ensure authorities are informed during their waste planning process. Technical advice will inform the professional judgements that are often required in the BPEO process.

2.8 Joint arrangements will have a specific role to play in helping authorities to work toward the overall self-sufficiency of Wales. Liaison between groups of authorities and other regions, including those in England, is encouraged. The arrangements established by authorities should assess and review information on capacity and arisings, as well as data on areas of search for potential facilities, in the knowledge that the composition and amount of waste in Wales will alter as the strategies and directives take effect.

2.9 Regional self-sufficiency may be relaxed in special circumstances, where there is a proven sound environmental or management reason to do so. Such special circumstances would include the viability of developing facilities to handle irregular or small scale arisings of certain special wastes, in which case the materials may have to be transported to an alternative region for treatment or disposal.

2.10 Joint arrangements will help to provide co-ordination to help the establishment of an integrated network of treatment, recovery and disposal facilities. These networks are to be encouraged especially where a combined recovery and disposal facility ameliorates transport or transfer issues. All waste plans should concentrate on our commitments to self-sufficiency, proximity and sustainability. Regional plans themselves should also be subject to a strategic environmental assessment.

### **Regional Waste Plans**

2.11 Local authorities in each region will need to work together to prepare a Regional Waste Plan within two years of the publication of this Technical Advice. Local authorities should take into account the wider needs of the region in reaching their decisions on the plan's proposals. The final versions of the RWPs should be subsequently reviewed every three years.

2.12 The Regional Waste Plan should be prepared through joint arrangements between authorities, involving officers from the constituent authorities and other technical expertise with a view to reaching consensus about its recommendations. This will need to be agreed by each constituent local authority. Each local authority within the regional arrangement should then include in its own unitary development plan elements of the agreed regional plan that are germane to its area, and it should also reflect the detail of that regional agreement as explained in section 5. If UDPs are at an advanced stage supplementary guidance can be issued or an early review of the UDP be undertaken to ensure that the requirements of Article 7 of the Waste Framework Directive are complied with. In some cases, it may be necessary to amend a UDP at a fairly late stage in the adoption process. If the local authorities in a joint arrangement reach

no agreement or if individual local authorities do not accept the Regional Waste Plan, the Assembly will consider its default powers to intervene in the planning process.

2.13 Failure to agree on the regional level will not remove the need for individual local authorities to satisfy the requirements outlined in the Wales Waste Strategy.

### **Regional Waste Plan Content**

2.14 Regional Waste Plans should include the following relevant issues:

- Type, quantity and origins of waste arising in the region;
- Type, quantity and origin of waste arisings, that have been regularly imported or exported;
- Existing facilities, and their nature, capacities, lifetimes, locations and market areas;
- Potential growth or reduction in individual waste streams and forecast of future capacities;
- Future capacities;
- Advise on suitable options for locations for potential facilities;
- General technical requirements for dealing with arisings;
- Special technical requirements for waste arisings;
- Strategic Environmental Assessment of management and planning options;
- Health Impact Assessment of management and planning options;
- Non-regulated waste initiatives and public awareness or participation;
- Contribution Statement (i.e. contribution to meeting UK and European targets);
- Best Practice.

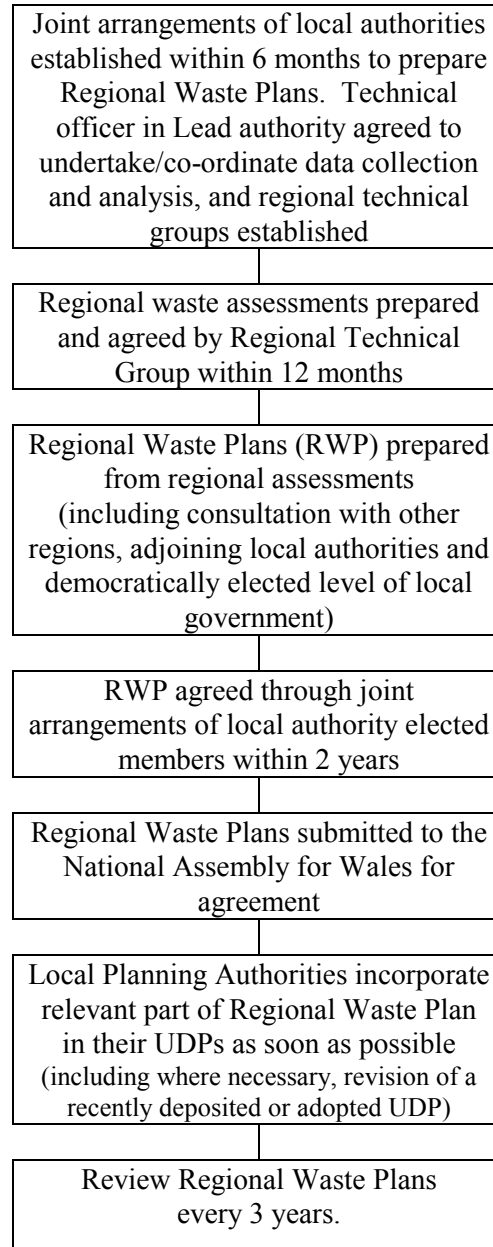
2.15 A key element in the RWP will be agreement of the apportionment of facilities to local authorities. It would be for the individual local authorities to determine actual locations of facilities and make provisions in their UDP, and the RWP to specify the type, capacity and approximate location or type of location.

2.16 The identification of areas or types of location for future facilities will be of particular importance. The RWP would not allocate sites for facilities, but it will indicate areas of need and search for potential sites for future facilities, and where possible, a choice of locations that once agreed in the due local political process and in recognition of existing contractual arrangements, would serve the region. In some cases (for instance if the waste to be treated is of an infrequently arising type) a facility might serve other regions also.

2.17 The output and implications of the Regional Waste Plans will be subject to a Strategic Environmental Assessment, and a Health Impact Assessment (3.23). This will help ensure that sustainable development and public health are addressed and planned for in the general approach to waste in the region.

2.18 The RWPs should also state how the Plan would contribute to efforts in Wales to meet the general waste management targets in the Landfill Directive and the Wales Waste Strategy. They should also include any relevant statements of best practice, to share with other regions their experience, successes, challenges and opportunities for future revisions, or for other decision making in local planning authorities.

## Timetable of Joint Arrangements



*Figure 1: Joint arrangements of local planning authorities in Wales for Waste Planning*

### 3 PRINCIPLES AND TECHNIQUES

#### Principles

##### **Proximity and Self-Sufficiency.**

3.1 The Proximity Principle states that waste should be treated and or disposed of as near to the source of origin as possible because transporting waste itself has an environmental impact. This principle recognises the need for us all to take responsibility for our own waste arisings and not be content with distributing it to other locations for disposal, even if there has always been a tradition of doing so. In order to deal with all local waste arisings wherever practicable, the principle also reinforces the need for an integrated network of facilities.

3.2 Local authorities must therefore take into account this principle when considering the requirements for, and location of, waste management facilities and regional self-sufficiency. Clearly, however, the treatment and or disposal of waste as near to the source as possible depends on the quantities and types of arising on the local and regional level, and local authorities should not attempt to restrict waste management developments within their boundaries to deal with arisings in their areas. The need for dialogue and cross-boundary partnerships will inevitably be essential.

3.3 The Self Sufficiency Principle also sets out that as far as practically possible, waste should be treated or disposed of within a sensibly defined region (see section 2) where it is produced. Therefore, each region should aim, as far as is practicable, to provide for facilities with sufficient capacity to manage the predicted quantity and nature of waste arisings from that area for at least a ten year period, and preferably longer.

3.4 Local planning authorities have a duty to use these principles as set out in the various Directives in their strategic planning, and development control. This will ensure a holistic, forward looking and sustainable approach to waste planning in Wales.

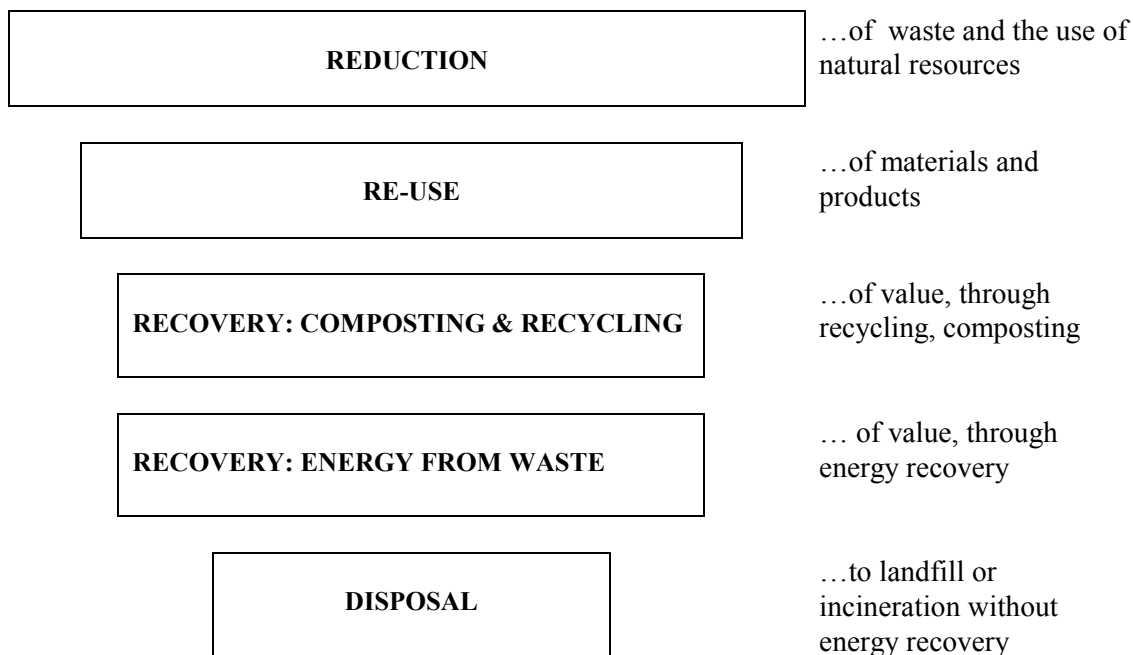
##### **The Waste Hierarchy**

3.5 The UK Government and the National Assembly for Wales subscribe to the waste hierarchy (Figure 2) as a general guide, and along with the principles of self sufficiency and proximity, and the previously outlined drivers, it is one of the central pillars to advise decisions on waste management options.

3.6 **Reduction:** Society needs to reduce the amount of waste it produces. Reduction of the amount of waste we produce is essential for effective waste management. Local planning authorities can help promote waste minimisation by ensuring that waste issues are given consideration in all proposals for new major development. Information on the nature and amount of waste arisings should be required for the construction and operation stages and, where appropriate, for the restoration stage of all new major developments as part of any planning application. Waste generation and the availability of relevant waste management facilities should be taken into account as material considerations in the determination of planning applications.

3.7 **Re-use:** Materials and products that have fulfilled their primary use, but can be simply treated to make them capable of safely repeating that function, should be so treated (eg milk bottles). This is an opportunity to view waste materials as a waste resource. Adequate facilities to enable re-use should form part of the waste management network which can provide additional economic benefits to an area. Examples of such developments could be appliance

refurbishment facilities (which could also be an employment opportunity), or extended take-back schemes.



*Figure 2: The Waste Hierarchy.*

3.8 **Recovery:** Recovery is an invaluable environmental option, it can reduce the demand for primary aggregates or energy from fossil fuels. Recovery of raw materials can be achieved by recycling materials or composting and every possible opportunity should be provided to maximise such recovery to meet the demanding EU targets.

3.9 **Energy Recovery:** Energy stored in waste resources is the next option in the waste hierarchy. Where recovery of materials is not possible, the waste resource can be used to recover energy.

3.10 Local planning authorities should encourage national and local initiatives, and reinforce national schemes that develop such markets. This can be achieved by providing guidance in the Unitary Development Plan to indicate sites or locations that may be suitable for the collection, assemblage or treatment of materials for recovery.

3.11 **Disposal:** As set out in the Landfill Directive and implied by the waste hierarchy, there needs to be a significant move away from the tradition of disposal of waste to landfill, unless the waste cannot be further treated, or it would not be economically viable to treat, it is prohibitively impracticable or environmentally harmful to treat it in any other way. The effect of waste minimisation, re-use and recovery should result in a reduction in the amount of waste remaining for disposal. The strategic waste management targets are demanding, and attempts to meet them should begin immediately.

3.12 Even in the long term, certain wastes might only be dealt with by disposal. These might include residues from heat treatments, or other exhausted materials. It is also accepted that although the clear preference is to move away from disposal without recovery, there will be a period where landfill will still be the main available option. In that period, and for those

materials still destined for disposal only, local planning authorities must ensure that there is adequate capacity.

### **Techniques**

3.13 The following techniques should be used by applicants in preparing and local planning authorities in considering planning applications, and will be taken into account by the National Assembly for Wales and the Planning Inspectorate in the determination of called-in planning applications and appeals.

### **Best Practicable Environmental Option (BPEO)**

3.14 Best Practicable Environmental Option (BPEO) has been defined 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 procedures 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<sup>13</sup>'*

3.15 The BPEO procedure was originally designed for use in environmental protection, especially in the regulation of process industries and it has now become an optimising tool for balancing the costs, logistics and environmental aspects of many activities, including waste management. BPEO is now commonly quoted as a technique for local planning authorities to adopt when considering the relative planning merits of various waste management options in individual circumstances (see Annex H).

3.16 Local planning authorities must show that they have given consideration to BPEO in decisions on planning applications for major waste management developments and BPEO is also applicable in the development plan functions of local authorities. The BPEO assessment should be site specific. The detail of the assessment is a matter for the determining local planning authority and it is for the individual local planning authority to consider the weight to be given to BPEO in any particular case. Annex H provides further details of the criteria and methodology of the BPEO process.

### **Sustainable Waste Management Options (SWMO)**

3.17 Research, to be completed in 2001, is being undertaken by DTLR into Sustainable Waste Management Options (SWMO). This aims to identify best planning practice for assessing waste management options, taking into account legislative and policy frameworks. When published the results of the research will supplement the technique of BPEO to ensure that social and economic, as well as environmental, issues are taken into account in the consideration of waste management options.

3.18 The conclusions of the SWMO research will help waste planning bodies define their overall decision making objectives, to generate and evaluate waste management alternatives and then to identify and develop the finalised option. The key *physical* environment issues that local planning authorities must consider in the development of their BPEO and their SWMO are:

- Efficient and prudent use of primary resources;
- The reduction of emissions with more than local impact;
- The minimisation of local air quality impacts;
- The conservation of landscape and significant townscapes;

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<sup>13</sup> 12<sup>th</sup> Report of the Royal Commission on Environmental Pollution (1988)

- The protection of local amenity;
- Protection of habitats and species;
- The minimisation of transport impacts.

3.19 Sustainability can also be addressed in *socio-economic* and *best-value* terms, and local planning authorities should also work towards:

- Equitable social environments;
- Local economic efficiency ;
- Inclusive waste decision making;
- Minimised costs of waste collection and management;
- Maximised revenue generation from the waste resource;
- Service reliability.

3.20 In order for local planning authorities to reach a best solution on the waste management option, taking into account socio-economic and best value sustainability, it will be necessary for local authorities to collaborate as explained in Section 2.

### **Life Cycle Assessment (LCA)**

3.21 An additional tool to help local planning authorities in decision-making processes is that of Life Cycle Assessment (LCA). LCA is the systematic identification of all environmental benefits and dis-benefits that result, both directly and indirectly from a product or process throughout its entire life, from raw materials extraction, to their eventual return to the environment. Local planning authorities should make use of LCA and associated applications (for example the Environment Agency's WISARD system<sup>14</sup>) to enhance their knowledge of the resources they use, the potential for better use of the waste resource, and the waste planning options stemming from it.

### **Eco-Design**

3.22 It is anticipated that the construction industry will continue to develop materials and techniques that minimise resource use initially, and maximise opportunities for materials re-use and recovery<sup>15</sup>. The principles of eco-design will over time influence the amount and type of waste involved in the construction of buildings products and structures and what remains to be treated or disposed of at the end of their lives. Local planning authorities and developers are to have particular regard to the application of such issues when considering all development, and should liaise with relevant trade federations and organisations such as the Design Council.

### **Health Impact Assessment**

3.23 Health impact assessment is a means of taking health into account in decision-making processes so that the potential health effects on people of policies, programmes and other developments – positive and/or negative - are not overlooked. The effects may relate to the population as a whole or may affect different parts of the population in different ways. Health impact assessment is a tool that can help to identify opportunities to protect and/or improve people's health. This is particularly important given that one of the Assembly's strategic priorities is improving levels of health in Wales and reducing the inequalities in health that exist between different communities. .

3.24 Guidance on the health impact assessment process is provided in the Better Health Better Wales document "Developing Health Impact Assessment in Wales" (National Assembly

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<sup>14</sup> Wisard is a software tool which incorporates the data to enable waste managers (in local authorities and business) to model waste management systems from components representing individual operations. (Waste Strategy 2000 para 3.18).

<sup>15</sup> 'Building a better quality life: a strategy for more sustainable construction'. DETR 1999

for Wales, November 1999). The Assembly is committed to developing the use of health impact assessment and is encouraging other organisations in Wales to do the same.

3.25 Health impact assessment utilises a combination of methods and processes in order to make a judgement of health impact(s) or potential impact(s). It has its roots in environmental impact assessment and the processes have much in common. Health impact assessment is an evolving approach and the recommended process of health impact assessment for the development of waste management facilities is set out in Annex 9 of the draft Wales Waste Strategy. Where relevant to the development, impact on human health issues should be taken into account in planning decisions as part of Environmental Impact Assessment. Local authorities will wish to ensure that health has not been overlooked as something that may be relevant. As people's health and well being is an essential part of sustainable development, health impact assessment could also help to contribute to the Sustainability Appraisal of unitary development plans.

## **4 PLANNING CONSIDERATIONS IN WASTE ISSUES.**

4.1 The changes in waste management required by the Waste Strategy and the EU Directives will have a significant impact on the way waste planning is undertaken in Wales. It is inevitable that waste planning will have to be more prescriptive than before if the demanding targets are to be met. The role of land use planning is to make an important contribution in enabling the provision of facilities through clear proposals, policies and guidance in unitary development plans which will need to indicate suitable locations for establishing the various elements of the future waste management network.

4.2 However, there are limitations and the planning system is not designed to deliver all the objectives alone, for example, there is little scope for planning itself to achieve waste minimisation or ensure that suitable waste management facilities will be made available when required. This is the role of the waste management industry, either the private sector or local authorities through their waste management strategies and municipal waste contracts.

4.3 The Assembly's preference is to maximise waste prevention, recycling and composting and to minimise incineration and disposal of waste to landfill. The principles and techniques set out in Section 3 should be used to guide the development of planning policy with a view to facilitating the establishment of an integrated waste management network.

### **Types of waste management facility**

4.4 The waste management network will include facilities that vary greatly in size, operational characteristics and potential environmental impacts. These include:

- re-use facilities;
- waste collection facilities – civic amenity sites, scrap yards;
- waste separation and recycling and recovery facilities;
- composting facilities;
- waste transfer stations;
- waste to energy facilities – including those using relatively new techniques for energy recovery such as gasification, pyrolysis anaerobic digestion or fluidised bed combustion;
- incinerators (with or without energy recovery);
- landfill or landraising operations (some of which may also include opportunities for energy recovery);

### **Environmental Impacts**

4.5 The environmental impact and health impact assessment of all types of facility must be considered to ensure the development is acceptable. There are other impacts relevant to each facility type.

### **Materials Recovery and Recycling Facilities**

4.6 Recovery facilities range from small community schemes, to traditional metal recycling, and large multi-stream separation and materials recovery facilities. The waste resource may be treated by physical, chemical, thermal or biological processes to make it easier to handle, transport, recycle or dispose of. More modern facilities may have limited impacts, but noise, dust, odour and other emissions are likely to require careful consideration as well as the heavy goods transport generated by such development. All waste facilities, although providing valuable waste recovery opportunities, may be considered to be 'bad neighbour' development and the planning considerations in Annex C should be observed. Opportunities may exist for the recycling of construction and demolition wastes either close to where they arise so that the operation forms part of site preparation for new development, or at a permanent processing site.

Innovative and viable local recovery initiatives should be encouraged and best practice shared between local planning authorities where environmentally acceptable. UDPs should facilitate the provision of recovery facilities by indicating where such development could take place, generally in existing industrial areas, ports or brownfield sites.

### **Composting**

4.7 Large scale commercial composting operations which are now being developed by local authorities, the private sector or as joint ventures will generally require planning permission and are most likely to be located in industrial areas or brownfield sites. These may require large open areas and buildings, to help contain the environmental impacts, which may be visually intrusive. Odour and noise from plant can also present problems. Small facilities requiring only an area of hard-standing for composting, a covered area for storing and screening materials, and an area for loading can be relatively inconspicuous, especially where existing buildings are used and may be suitable within farm-holdings. The Environment Agency is in the process of providing guidance on the waste management licensing aspects of composting operations. Such guidance may be of use to local planning authorities to help them understand the potential impacts of a composting facility.

### **Energy Recovery**

4.8 Another potential role for the waste resource is as a fuel. Recovery of energy can be done in a number of ways, including direct incineration of parts of the waste arising that are otherwise of limited use, or from collection and combustion of recovered gases (such as landfill gas). Proposals that incorporate combined heat and power plant could contribute toward district heating schemes for development such as schools or hospitals, providing these are environmentally acceptable. This makes the recovery of energy more efficient and it would potentially reduce the impact of using primary fuels.

4.9 Energy recovery via incineration is known not to be popular with some sectors of the public, even though the industry is now using cleaner and safer technologies than ever, with vastly reduced and controllable emissions. In a policy area that is aiming to rely less and less on landfill, the potential for energy from waste facilities is growing although it is likely that only a limited number of energy from waste schemes will be necessary or acceptable in Wales in the next 10 years. Local planning authorities should work closely with the Environment Agency and the waste management industry to consider the future role of such facilities in an integrated network and in accordance with BPEO principles.

4.10 Energy from Waste facilities range from small plants to large-scale installations with energy recovery or combined heat and power plants. Large facilities may be conspicuous because of the required height of the stack or other structures and will require careful design. They will usually generate substantial heavy goods vehicle movements.

### **Landfill**

4.11 It is acknowledged that landfill will continue to be a disposal option for some time until alternative facilities are established. Even with waste minimisation and increased levels of re-use and recovery, there will still be a need for some landfill of waste, for example, incineration residues and other residual waste where landfill is the most practicable option. Landfill capacity must therefore be available to take waste arisings that still have to be disposed of in this way, even though in reduced quantity.

4.12 Existing landfill sites may be suitable locations for recycling operations as the infrastructure and measures to control the environmental impact may already be provided.

### **Waste Transfer Facilities**

4.13 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 management site or to final disposal. Careful design is necessary to control litter, noise and odours in view of the large quantities of waste passing through the transfer site and in some circumstances operations may need to be enclosed within buildings.

### **Eco-parks**

4.14 The concept of eco-parks is commended to local planning authorities and Regional Waste Groups. These are industrial sites where certain collected or locally generated waste is treated and converted into secondary materials and energy, for use in purposely-adjacent industry. Integrated sites can assist greatly in the efforts to both re-use and recover materials. Their potential contribution to efforts to meet our Landfill Directive and other targets is significant, and they should be regarded positively by local planning authorities. Existing industrial estates may be suitable locations for the development of eco-parks.

## 5 UNITARY DEVELOPMENT PLANS (UDPs)

5.1 The demanding requirements of the Waste Strategy and EU Directive (see Annex A & B) necessitate early implementation of this guidance. UDPs are at various stages of preparation and local planning authorities should incorporate the provisions of this TAN at the earliest opportunity or in an early review of the UDP. Although there is a strong tradition towards the use of criteria based policies within UDPs, the need to establish integrated and effective networks of facilities in Wales means that this cannot now be solely relied upon. There should be a balance of site specific and criteria based policies to provide as much information as possible on the locations likely to be acceptable for such development.

5.2 In future, UDPs must demonstrate that proper account has been taken of:

- The national waste strategy – currently Waste Strategy 2000, to be replaced by Wales Waste Strategy in 2002;
- Planning Guidance (Wales) Planning Policy 1999 to be replaced by Planning Policy Wales in 2002;
- The relevant Regional Waste Plan;
- European Directives on waste management issues (as cited);
- The Environment Agency's Strategic Waste Management Assessment (SWMA) for Wales;
- The authority's own Municipal Waste Management Strategy or Recycling Plan;
- The forthcoming Wales Spatial Plan;
- Where relevant the relationship with LEAPS, Flood Catchment Management Plans, National Parks and Areas of Outstanding Natural Beauty Management Plans.

5.3 UDPs have a key role in transposing national policy to the local level, including demonstrating the waste hierarchy, proximity and self-sufficiency principles in all strategic waste planning (see Section 3).

5.4 UDPs should include a statement to explain how the Regional Waste Plan (when available) impacts upon the UDP policies and proposals and how the proposals and policies in the UDP help to facilitate implementation of the RWP. Therefore, UDPs will need to demonstrate the authority's place in the development of regional networks of waste management facilities, and will need to consider future needs and potential new demands within the regional framework.

5.5 UDPs must make explicit the capacity of the area to deal with waste, and also make accurate and quantified assessments about their own waste arisings, with reference to Environment Agency Wales data that is available at the time of plan preparation. UDPs must demonstrate that there is adequate provision for waste management facilities to meet the targets in EU Directives (see Annex A & B) or put forward proposals to address the gap. In preparing UDPs<sup>16</sup>, local planning authorities should use all appropriate and innovative consultation techniques to their full potential in an attempt to secure the acceptability of sustainable waste management options to local communities.

5.6 The precise implications of the Landfill Directive are not fully known, but UDPs should consider the following changes in the waste management infrastructure that may be required:

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<sup>16</sup>Unitary Development Plans Wales National Assembly for Wales February 2001

- a substantial increase in the number of materials recovery facilities (MRFs);
- biological treatment facilities (eg composting, anaerobic digestion) to ensure that the proposed target to reduce the amount of biodegradable industrial and commercial waste to landfill is met;
- more transfer stations;
- more shredding / crushing / sorting plants (eg for demolition wastes and excavated materials);
- a limited number of energy recovery facilities (e.g. by incineration gasification, pyrolysis, refuse derived fuel production etc);
- facilities to deal with special waste that is normally sent to landfill (on the assumption that there will be very few or no hazardous waste landfill in Wales after 2004);
- new chemical treatment facilities;
- new solvent recovery facilities;
- new tyre recovery facilities;
- facilities to treat corrosive and infectious wastes; and,
- a limited number of mono-disposal landfill sites (hazardous, non hazardous or inert).

5.7 Local planning authorities and the joint arrangements should make use of the expertise of the Environment Agency and the waste management industry to help in the search for potential sites and take account of the availability of information on the needs of particular facilities.

5.8 UDPs should consider the relevance of waste issues in developing all appropriate sections of the plan, including the Sustainability Appraisals<sup>17</sup>, as well as developing specific policies for waste, as many activities have an impact on waste generation. In order for unitary development plans to fully achieve the objectives of sustainable development, they must include policies which ensure all major development schemes consider waste generation in a holistic way.

### **Waste in National Parks / Areas of Outstanding Natural Beauty (AONBs)**

5.9 The three National Park Authorities in Wales are waste planning authorities, but have no waste collection or disposal responsibility. It is important that there is close liaison between the National Parks and local waste management authorities to ensure that there is an agreed, co-ordinated approach to waste planning that can be implemented in the National Park UDP. The waste management requirements of the National Park Authorities should form part of the relevant regional waste plans.

5.10 Planning policy and development control in National Parks and AONBs should continue to give due weight to the pursuit of National Park purposes and enhanced protection and management of Areas of Outstanding Natural Beauty in terms of landscape and scenic beauty. Regional technical groups should have regard to these priorities in preparing the waste management options in regional waste assessments.

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<sup>17</sup> Unitary Development Plans Wales, National Assembly for Wales, February 2001

## Summary of UDP Expectations

5.11 In summary, the Assembly expects local planning authorities in Wales to ensure that in preparing UDPs they will:

- ensure that proposals and policies in UDPs will facilitate the delivery on the ground of the waste management objectives in the national waste strategy (currently Waste Strategy 2000 that will be replaced by the Wales Waste Strategy in 2002), so that Wales' obligations under European legislation will be met;
- adopt a sustainable approach to waste management within their UDPs by assessing proposals and policies against the principles, and utilising the techniques, set out in Section 3;
- make provision for an integrated and adequate network of waste management facilities with sufficient facilities to treat, manage or dispose of all the waste produced (although it may be necessary for some facilities to be shared with other authorities);
- co-operate through joint working arrangements to:
  - ensure that the aim to provide Wales with an integrated and adequate framework or network of waste facilities can be actually achieved, thus meeting the requirements of the EC Directive; and,
  - assist in producing Regional Waste Plans that will assess the need for new waste management capacity and agree the allocation of that capacity to each member authority;
- ensure that UDPs provide clear proposals, policies and guidance for new waste infrastructure by indicating suitable locations or types of location that may be acceptable for waste facilities to ensure that the right facilities are in the right place at the right time within the context of the Regional Waste Plan;
- ensure that policies in UDPs proposing any new, major development should incorporate an adequate and effective provision of waste management facilities;
- ensure effective consultation with all sectors of the community by involving them at the earliest stage and by providing sufficient information to allow them to make informed choices about how they would wish to see waste managed in their locality.

## **6 DEVELOPMENT CONTROL**

### **General Principles**

6.1 When considering development proposals for waste management facilities, local planning authorities should take into account their potential contributions to the objectives and principles set out in the Waste Strategy, the Regional Waste Plan, the UDP and the network of waste management facilities (when these are available). The extent to which the proposal demonstrates this contribution will be a material planning consideration.

6.2 In considering planning applications for any development assessed to be of risk on or within 250 metres of active or closed landfill sites, the potential impact of the site should be carefully assessed and taken into account in the determination of the proposal. Any suspected hazard resulting from landfill operations should be comprehensively investigated by developers to make sure that the land is fit for the proposed purpose<sup>18</sup>.

6.3 At the design stage<sup>19</sup> of all major developments, and particularly for housing, as an integral part of the scheme, provision should be made, as far as practicable, to collect, compost and recycle either at individual buildings, or at easily accessible sites within the development site itself. Waste minimisation and recovery efforts at the design, construction and demolition stage should be made by developers and information regarding such efforts should be sought in all planning applications for major development.

### **Treatment of Waste**

6.4 The Landfill Directive states that only waste that has been subject to treatment may be disposed of to landfill (except for inert waste where it is not technically feasible or other waste where treatment would not reduce the quantity of waste or its hazards to human health). The requirement for treatment applies to new landfills from July 2001, to landfills classified to receive hazardous waste from July 2004 and to all other landfills by July 2009. Local planning authorities should be mindful of the need for new facilities to treat waste in order to comply with the Directive when considering planning proposals for such development.

### **Landfill Location**

6.5 The Landfill Directive states that in order to ensure that landfill sites do not pose a serious environmental risk, the location of a landfill must take into consideration requirements relating to:

- the distance from the boundary of the site to residential and recreational areas, waterways, water bodies and to other agricultural or urban sites;
- the existence of groundwater, coastal water or nature protection zones in the area;
- the geological and hydrological conditions of the area of flooding, subsidence, landslides or avalanches in the area; and,
- the protection of the nature or cultural patrimony of the area.

The Waste Planning Authority must take into account these siting requirements in considering new landfill proposals.

### **Consultation**

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<sup>18</sup> Planning Guidance (Wales) Planning Policy First Revision 1999 is under review. A consultation draft Planning Policy Wales issued in March 2001; Planning Policy Wales is due to issue in Spring 2002; and Draft TAN (W) Development of Contaminated Land -to be revised (National Assembly for Wales)

<sup>19</sup> Technical Advice Note (Wales) 12 Design (National Assembly for Wales)– consultation draft revision issued in 2001

6.6 Planning legislation requires local planning authorities to publicise applications and to consult the Environment Agency and other public bodies with relevant environmental responsibilities. The general public must also be given an opportunity to express their views about the proposals, before a decision is made. The role of the Environment Agency in waste planning is explained in Section 12 and Annex F. It would be good practice to seek to twin track applications for planning permission and authorisations required under pollution control legislation.

6.7 As part of the decision making process, comprehensive and meaningful public consultation must be used by local planning authorities to its fullest potential. Public ‘ownership’ and openness are important as a significant change of attitudes toward waste-resources is needed to achieve the changes required. In this spirit of co-operation it is important to establish or develop further, partnerships between local authorities, the waste management industry, the Environment Agency, and other interested or advisory groups and organisations.

6.8 Developers preparing applications for waste management developments should undertake consultation with the local planning authority and with local communities at an early stage, preferably well before an application is submitted. Planning applications for waste management facilities should be the subject of full consultation with the department dealing with waste management or with the waste management authority (in the case of National Park Authorities). Consultation must also be undertaken with statutory consultees such as the Countryside Council for Wales and Environment Agency (see Section 12) where relevant, and where known, with local community groups.

### **Environmental and Amenity Considerations**

6.9 Local planning authorities should take account of the planning considerations identified in Annex C in the determination of planning applications for waste management facilities. Where a proposal is environmentally unacceptable or would cause adverse impacts on amenity and the problems cannot be mitigated to an acceptable standard by conditions, planning permission should be refused.

### **Environmental Assessment**

6.10 All projects that fall within Schedule 1 to the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 must be subject to Environmental Impact Assessment (EIA), before development consent can be granted. These include waste disposal installations for the incineration, chemical treatment or landfill of all hazardous waste and of other waste where the capacity of the installation exceeds 100 tonnes per day.

6.11 For all Schedule 2 development, including that which would otherwise benefit from permitted development rights (see paragraph 6.12), the local planning authority must make its own formal determination as to whether EIA is required (referred to in the Regulations as a “screening opinion”). Waste proposals comprise Schedule 2 development if any of the following apply (Column 2 of the table in Schedule 2):

- disposal is by incineration; or
- the area of the development exceeds 0.5 hectare; or
- the installation is sited within 100 metres of any controlled waters; or
- if any part is within a “sensitive area” as defined in Regulation 2(1) of the 1999 EIA Regulations.

6.12 Schedule 1 development is clearly not permitted development. It should be noted, however, that Schedule 2 development does not constitute permitted development unless the

local planning authority has adopted a screening opinion to the effect that EIA is not required. Where the authority's opinion is that EIA is required, permitted development rights are withdrawn and a planning application must be submitted and accompanied by an Environmental Statement.

6.13 In screening Schedule 2 development, the basic test to be applied is whether the proposed development is "likely to have significant effects on the environment". In making this determination, the local planning authority must take into account the relevant "selection criteria" in Schedule 3 to the Regulations and the general guidance contained in Welsh Office Circular 11/99<sup>20</sup>. To assist in deciding whether EIA is required, Annex A (paragraph A36) of this Circular also provides specific indicative thresholds and criteria for installations for the disposal of non-hazardous waste.

### **Data**

6.14 Local planning authorities should require that developers provide timely, manageable and good quality data regarding waste operations including the capacity of waste management facilities. The availability of reliable data is an important element of the forward planning of the integrated network of waste facilities. Adequate information is essential both for the assessment of waste proposals and in monitoring development after implementation of the planning permission.

### **Town and Country Planning (General Permitted Development) Order (GPDO) 1995**

6.15 Certain operations involving the deposit of waste may fall within one of the classes of permitted development under the Order (but also see paragraph 6.12 above):

- Waste material can be deposited on agricultural land, subject to certain conditions, where the operation is reasonably necessary for the purposes of agriculture within that agricultural unit. If the total area used for waste deposit exceeds 0.5 hectares, prior approval is required from the local planning authority (Part 6).
- Waste material can be deposited for the formation or maintenance of private ways on forestry land provided it is reasonably necessary for that purpose (Part 7).
- Waste material (not including mineral waste) resulting from an industrial process can be deposited on industrial land provided it was being used for that purpose on 1 July 1948 (Part 8).
- Waste material (not including mineral waste) can be deposited by a local authority on any land that was in use for that purpose on 1 July 1948 (Part 12).
- Waste tipping at mineral workings is set out in Part 21, and removal of material from mineral-working deposits in Part 23.

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<sup>20</sup> Circular 11/99 Welsh Office Environmental Impact Assessment (EIA)

## 7 MUNICIPAL WASTE

7.1 The waste strategy for Wales (currently Waste Strategy 2000 to be replaced by Wales Waste Strategy in 2002) sets challenging targets to substantially increase the recycling and composting of municipal waste. Meeting the Landfill Directive targets to divert biodegradable municipal waste from landfill will require alternative ways of managing biodegradable wastes such as recycling (of paper), composting, anaerobic digestion or energy from waste. Residual waste which cannot be recycled and composted, and wastes from energy from waste facilities (particularly fly ash) will continue to be sent to landfill.

7.2 Each local authority will produce a municipal waste strategy to determine how it will meet the new targets. This will require the development of an adequate and integrated network of facilities to manage the municipal waste, including facilities to sort, store, treat, recycle, compost or recover energy from waste materials, and adequate landfill capacity for residual municipal waste. It is therefore essential that the municipal waste strategy is developed alongside the Unitary Development Plan and is complementary to it. It is also important to recognise that contracts for municipal waste management usually provide the long-term financial guarantees needed by the private sector to develop major new waste facilities. These facilities are then available to receive industrial and commercial wastes for which long-term contracts are less likely.

7.3 Local planning authorities, either in their UDPs or in the approval of the design of new development, should secure adequate provision for facilities for the management of municipal waste in accordance with the RWP (when available), as follows:

- re-use or collection and storage of re-use or returnable goods;
- salvage repair and maintenance to enable re-use;
- civic amenity sites;
- waste transfer stations;
- recycling and separation of household waste through 'bring systems';
- composting - including other treatments such as vermiculture and anaerobic digestion;
- energy recovery schemes;
- landfill.

7.4 Unlike industry, commerce and agriculture, municipal waste is largely derived from households that are not subject to financial influences, voluntary agreements or licensing regulations in respect of the waste that they generate. The local authority's influence here is mainly based on its role as a waste management authority and an informing and organisational body, rather than local planning authority. Local authorities have a significant role in waste minimisation through the collection and disposal of municipal wastes. Waste minimising activities generally fall outside the remit of the land use planning system except where planning applications are submitted for development that will provide for waste minimisation (see also paragraph 6.3). Waste minimisation is explained further in Annex D.

## **8 INDUSTRIAL AND COMMERCIAL WASTE**

8.1 The Landfill Directive is likely to have an impact on industrial and commercial wastes that currently are disposed of to landfill. This mainly relates to the Directive's requirements for:

- pre-treatment of all landfill wastes;
- a ban on the landfill of certain wastes;
- the ending of co-disposal of waste.

The main impact will be the need to develop new treatment facilities and alternatives to manage the waste that will no longer go to landfill.

8.2 With the annual increase in the Landfill Tax on active waste (until 2004) there will be a financial incentive for industry to generate and dispose of less waste to landfill. As landfill becomes less of a viable or acceptable disposal option for industry, waste producers should be encouraged to actively seek to re-use, recycle and recover materials and, where environmentally acceptable, to recover energy from their waste resources. The land use planning system should look favourably on proposals that facilitate more efficient management of the waste resource.

8.3 Industrial and commercial waste producers are subject to regulations (such as Landfill Tax, Packaging Laws or voluntary producer responsibilities) that households are not. Raising awareness within commerce and industry and recognising shared objectives to minimise waste and manage waste more efficiently should be reinforced, where appropriate, by local planning authorities through UDPs and development control. The licensing and enforcement influence of the Environment Agency should also be considered.

8.4 Eco design (see paragraph 3.22) will make a contribution to the reduction of waste generated by industry, and local planning authorities should look favourably at proposals which incorporate such design efficiency.

8.5 The aggregates industry is already making changes to its approach to recycled aggregates that will be exempt from the Aggregates Levy, due to commence in April 2002. With a financial incentive to reduce primary extraction, the industry is now starting to recycle and re-use materials that were traditionally regarded as waste. The effectiveness of the re-use and recycling experience of the aggregates industry, should be encouraged and promoted by local planning authorities to other industries. This is discussed further in Section 10.

## 9 AGRICULTURAL WASTE

9.1 Larger scale composting and other waste management facilities may be suitable in rural locations on agricultural land provided they are acceptable in land use planning terms<sup>21</sup>. In some cases, agricultural waste may be combined with green waste, or other forms of non-hazardous agricultural wastes. In consultation with the National Farmers Union, Farmers Union Wales and the Environment Agency, local planning authorities should further encourage the development of these facilities through UDP policies for the use of neighbouring holdings and rural communities.

9.2 The application of recovered products including sewage sludge and other dried slurries to agricultural land as soil conditioners has been accepted practice for many years. It is generally held not to constitute development under Section 55 of the Town and Country Planning Act 1990. However, where landspreading of material cannot be demonstrated to be of agricultural benefit or where the use of land for this purpose is at such scale and frequency that the practice is clearly waste disposal rather than an agricultural operation, landspreading should be regarded as development requiring planning permission.

9.3 Agricultural waste facilities (e.g. composting, anaerobic digestion etc) should be considered to be complementary to the integrated waste network in Regional Waste Plans. Proposals to develop non-landfill treatment facilities that will enhance the waste network should be regarded favourably. All relevant land use planning issues should be taken into account in the determination of applications for such development.

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<sup>21</sup> Opportunities for saving money by reducing waste on your farm: A manual for farmers and growers. MAFF and the BOC Foundation. 2000

## 10 CONSTRUCTION AND DEMOLITION WASTE

10.1 The re-use and recycling of construction and demolition waste not only implements the objective of minimising waste but reduces the demand for primary resources, the extraction of which incurs environmental costs<sup>22</sup>.

10.2 Soils and construction and demolition waste form 31% (Table 1) of the total waste arisings in Wales. Although Table 1 shows that 75% of this waste resource was re-used, recovered or recycled in 1999<sup>23</sup>, over half of the recovered inert material (1.3 million tonnes) was used at exempt sites. Changes in the waste management licensing regulations and the introduction of the Landfill Tax in 1996 have had a significant impact on this waste stream resulting in an increasing proportion going to sites that are exempt from licensing, or being processed in screening and crushing plants prior to re-use as aggregates or fill.

10.3 There is widespread concern that the re-use of material on exempt sites is of questionable environmental benefit and has diverted material away from more beneficial purposes, such as providing cover material at landfill sites or for back-filling derelict excavations. Regional Technical Groups should monitor the extent of landfill operations at exempt sites, in conjunction with the Environment Agency, to determine whether the Assembly should consider changes to planning or waste management controls.

10.4 It is apparent, therefore, that inert materials are not being re-used and recycled for the most beneficial uses, and to their full potential in Wales. Inert materials are valuable resources, for example, the materials can be blended with compost to provide topsoil which is often in short supply in reclamation schemes. Proposals that provide facilities for storage and material separation should be regarded by local planning authorities favourably, provided they are acceptable in land use planning terms, as a contribution to the re-use and recycling aims of this considerable waste stream. Planning applications involving demolition and redevelopment should include clear statements about the potential for recycling of materials.

10.5 Wherever possible, provision should be made in UDPs for sites for recycling facilities to enable storage, separation and processing of materials, and thus encourage more beneficial use of inert material, as promoted in Minerals Planning Policy Wales 2000 (National Assembly for Wales). Research<sup>24</sup> has been undertaken to assess the impact of recycling operations of construction and demolition waste and to provide advice on the most suitable locations for these operations. It is considered that the following have the potential to be environmentally acceptable locations:

- Active (and some disused) quarries;
- Landfill sites;
- Industrial estates where heavy or general industry is located;
- Ports/dockland;
- Transport nodes.

UDPs should assess the environmental capacity of these types of locations to facilitate inert recycling operations to become established.

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<sup>22</sup> The Environmental Costs and Benefits of the supply of Aggregates DETR (London Economics) 1998

<sup>23</sup> Strategic Waste Management Assessments 2000: Wales. Environment Agency

<sup>24</sup> Reducing the environmental effects of recycled and secondary aggregates production – a good practice guide. DETR, 2000 (Land Use Consultants)

10.6 Planning applications for the landfill of inert waste material should be considered carefully by local planning authorities to ensure that there are no practicable recycling opportunities, or that such landfill would result in significant improvements to ground conditions to enable more beneficial use of the land. Planning applications for the creation of forestry and farm roads and hardstandings using waste should also be considered carefully. Those proposals not genuinely needed for agriculture should be refused.

## 11 SPECIAL AND HAZARDOUS WASTE

11.1 Hazardous wastes are those that carry an intrinsic risk to health or the environment. Formal lists exist of materials that are considered to be hazardous, and in the UK their management is subject to the Special Waste Regulations (SWR) 1996 (SI 1996 No. 972) (which implements the Hazardous Waste Directive 91/689/EEC). Amendments to the Special Waste Regulations are likely to be issued in 2001. Other regulations will be necessary to implement the Hazardous Waste Directive in 2002. All guidance regarding special wastes should be read in conjunction with these regulations, and with advice from the Environment Agency.

11.2 The current definition<sup>25</sup> of a special waste can be summarised as:

- Any waste on the EC Hazardous waste list displaying hazardous properties;
- Any other controlled waste displaying defined properties, such as flammable, toxic or irritant;
- Waste prescription only medicines.

11.3 The UK Government has agreed with our European partners to increase the number of waste types that are considered to be hazardous. With the withdrawal of certain chemicals from general use, such as Chlorofluorocarbons (CFCs), there will be other materials to be managed in their place. Local planning authorities should take into account that these issues are still under consideration, and those developments may further regulate these waste streams. The Environment Agency has a crucial role in the control of these special wastes, and local planning authorities should continue to consult closely with the Agency.

11.4 Reducing hazardous waste is a priority because its treatment, transport and disposal need careful management and demands high levels of resources in view of the potential to pollute the environment. Since 1994, the Government has funded the Envirowise Programme<sup>26</sup> (formerly known as Environmental Technology Best Practice Programme -ETBPP) that has made headway in promoting cleaner technologies to help minimise hazardous (and other) waste arisings. Local planning authorities should assess whether any appropriate proposed development is likely to produce special waste and if so, should establish what proposals are included to manage these wastes and whether there will be sufficient capacity locally. Pyrolysis or gasification may be solutions for some special or hazardous waste.

11.5 Re-use and recycling are not appropriate options for some hazardous wastes. For instance the re-use of Polychlorinated Biphenyls (PCB) and CFCs is prohibited. There is research underway to increase the re-use and recovery possibilities for certain types of special wastes. Local planning authorities should assess such options when proposals are submitted for planning permission in consultation with the Environment Agency, and should take into account the need for such facilities in their decision making.

11.6 In Wales, around 50% of special waste arisings are currently landfilled in co-disposal sites. The Landfill Directive directs that the co-disposal of hazardous and non-hazardous wastes is to be prohibited (see Annex A and B). The Landfill Directive specifies that the following special wastes are (or will become) entirely prohibited from landfill<sup>27</sup>:

- all liquid waste, including liquid special wastes;
- explosive, oxidising or highly flammable and flammable wastes; and,

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<sup>25</sup> Waste Strategy 2000 (England and Wales)

<sup>26</sup> Information on Envirowise publications can be obtained from-  
<http://etbpp.gov.uk/envirowise/envirowise.nsf>

<sup>27</sup> Consultation paper on Implementation of Council Directive 199/31/Ec on the Landfill of Waste (October 2000) DETR.

- corrosive wastes.

The Directive also requires that all hazardous waste must be treated before it is disposed of to landfill. This is necessary to reduce volume or the hazardous nature of the waste (or even render it non-hazardous) to facilitate its handling or enhance recovery.

11.7 It may be necessary, therefore, to develop new Welsh facilities for managing special waste arisings but it is likely that only a few locations will be required for this type of waste. Local planning authorities should determine the type and amount of special waste arisings and the capacity of existing facilities within their respective areas to manage and transport special wastes, in consultation with the Environment Agency. Joint arrangements of local authorities will be particularly important in assessing the facilities needed at a strategic level for special and hazardous waste in providing a forum to reach agreement about the location of the required facilities. Such agreement will form part of the Regional Waste Plan that will advise the Unitary Development Plans.

## **12 THE ROLE OF THE ENVIRONMENT AGENCY WALES IN WASTE PLANNING**

12.1 Environment Agency Wales has a central role to play in implementing the objectives of the various legislation and strategies. It has advisory, consultative, licensing and regulatory responsibilities under the Waste Management Licensing Regulations 1994, and the Environment Act 1995, that are based on the need to incorporate technical expertise and objectivity in decisions on waste regulation and pollution control (Annex F). It is important that local planning authorities liaise closely with the Environment Agency in relation to proposals for new waste facilities and it would be good practice to twin-track applications for planning permission and authorisation under pollution control legislation. Local authorities should not seek to control waste regulation matters that are the responsibility of the Environment Agency but are responsible for waste planning and waste management including waste collection and disposal.

12.2 The Agency should be involved in the preparation of Regional Waste Plans, and be consulted by local planning authorities on the Unitary Development Plans, and in the control of development.

12.3 Local planning authorities will need information on waste arisings, recycling and recovery levels and existing facilities in order to formulate policies and make decisions on individual applications. Much of this information will come from improved data collection and standardised records from the Environment Agency Wales. Strategic Waste Management Assessments (SWMAs) have been published on an all-Wales basis by the Environment Agency. This data should be consulted by local planning authorities and the Regional Technical Groups for the appropriate waste information, and shared with the waste management industry for its own decision making.

### **Water Environment**

12.4 The Environment Agency is responsible for the regulation and monitoring of the water environment. The Environment Agency is a statutory consultee on strategic planning and development control issues where there is a significant potential impact upon groundwater, or a threat of flood risk. In development control and UDP preparation, local planning authorities must therefore consult the Environment Agency Wales with a particular regard to its draft policy on location and impact assessment of waste management facilities. This is to ensure that facilities are sited at locations that minimise environmental impact on the water environment and are located away from areas at risk from flooding.

## ANNEX A: European Directives and Decisions on Waste

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A1 European Union member states are required by European law to implement key European Directives. Wales, and the rest of the UK, is required to make significant contributions to help meet the targets within them. Failure by member states to make satisfactory contributions to the achievement of the targets set out in the Directives can result in substantial penalties. In the UK, such penalties can be passed on to any devolved administration deemed to be under achieving, and causing the UK as a whole to fail to meet its responsibilities. To that end, this planning guidance is intended to support the forthcoming Wales Waste Strategy that responds to the directives, and the issues they address.

### Waste related EU Decisions and Directives

These selected European Decisions and Directives either direct or influence waste policy in England and Wales

- Directive 75/439/EEC - Disposal of waste oils
- Directive 75/442/EEC - Framework Directive on Waste (as amended by 91/156/EEC)
- Directive 76/403/EEC - Disposal of PCBs and PCTs
- Directive 78/176/EEC - Titanium dioxide industry waste
- Directive 78/319/EEC - Toxic and dangerous waste
- Directive 80/68/EEC - Groundwater
- Directive 82/883/EEC - Titanium dioxide pollution
- Directive 85/337/EEC - Environmental impact assessment
- Directive 86/278/EEC - Use of Sewage sludge in Agriculture Directive
- Directive 87/101/EEC - Disposal of waste oils
- Directive 89/369/EEC - Prevention of air pollution from waste incinerators
- Directive 89/429/EEC - Prevention of air pollution from waste incinerators
- Directive 90/425/EEC - Animal waste
- Directive 90/667/EEC - Animal waste
- Directive 91/156/EEC - Framework directive on waste
- Directive 91/157/EEC - Batteries and accumulators
- Directive 91/271/EEC - Urban waste water treatment
- Directive 91/689/EEC - Hazardous waste
- Directive 91/692/EEC - Standardising and rationalising reports on the implementation of certain environmental directives
- Directive 92/112/EEC - Titanium dioxide waste pollution
- Directive 93/86/EEC - Batteries and accumulators
- Directive 94/31/EC - Hazardous waste
- Directive 94/62/EC - Packaging and packaging waste
- Directive 94/67/EC - Hazardous waste incineration
- Directive 96/59/EC - Disposal of PCBs and PCTs
- Directive 96/61/EC - Integrated pollution prevention and control
- Directive 97/11/EC - Environmental impact assessment
- Directive 1999/31/EC - Landfill Directive
- Directive 2000/53/EC - End of Life Vehicles (ELV) Directive
- Directive 2000/76/EC - Waste Incineration Directive
- Decision 93/98/EEC - Control of transboundary movements of hazardous waste and their disposal (Basle Convention)
- Decision 94/3/EC - European waste catalogue

- Decision 94/575/EC - Supervision and control of shipments of waste
- Decision 94/774/EC - Supervision and control of shipments of waste
- Decision 94/904/EC - Hazardous waste list
- Decision 96/660/EC - Supervision and control of shipments of waste
- Decision 97/129/EC - Packaging and packaging waste
- Decision 97/138/EC - Packaging and packaging waste
- Recommendation 81/972/EEC - Re-use of waste paper and use of recycled paper
- Regulation (EEC) No 259/93 - Supervision and control of shipments of waste
- Regulation (EC) No 120/97 - Supervision and control of shipments of waste

A2 The most up to date information concerning EC Directives can be found on the Europa web site<sup>28</sup>.

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<sup>28</sup> [http://europa.eu.int/pol/env/index\\_en.htm](http://europa.eu.int/pol/env/index_en.htm)

## **ANNEX B: Key European Directives: Key Requirements**

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### **Waste Framework Directive - Key Requirements<sup>29</sup>**

B1 Article 5 of the Framework Directive requires member states to establish an integrated and adequate network of waste disposal facilities. To achieve this, member states are required to produce waste management plans, setting out their abilities and capacities to manage their own waste arisings, using such networks of facilities. The objective is that the best disposal or treatment option, is used as close as possible to the origin of the generated waste. The provision of adequate networks of waste disposal facilities will depend upon the types of waste in a particular area.

B2 Article 7 of the Framework Directive requires the relevant competent authorities to draw up waste management plans. UK legislation implements this requirement jointly through the waste strategies produced by the Secretary of State and the National Assembly for Wales and the development plans that planning authorities are required to draw up. Such plans are to relate in particular to:

- The type, quantity and origin of waste to be recovered or disposed of;
- General technical requirements;
- Any special requirements for particular wastes; and,
- Suitable disposal sites or installations.

Schedule 4 of the 1994 Regulations<sup>30</sup> provides that development plans shall include policies in respect of suitable waste disposal sites or installations and this is confirmed in Waste Strategy 2000 (Part 1 para 4.13).

B3 European Union member states are required to take all necessary steps to prevent or minimise waste generation, to encourage re-use of materials, and to ensure safe disposal of wastes. The Directive also established the principles of:

- Proximity (see 3.1).
- Self Sufficiency (see 3.3) and;
- The Waste Hierarchy (see 3.5 and Figure 2).

### **Landfill Directive - Key Requirements<sup>31</sup>**

B4 The Landfill Directive sets stringent requirements for the landfilling of wastes in Wales. The key requirements of the Directive are:

- reduction in the amount of biodegradable municipal waste landfilled;
- classification of landfill sites into three categories: Inert; Hazardous and Non Hazardous (with strict control over the wastes landfilled in each of the three categories of sites);
- banning of certain wastes from landfill;
- treatment of all wastes prior to landfill; and
- landfill location requirements.

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<sup>29</sup> Framework Directive on Waste (75/442/EEC, amended 91/156/EEC and 91/692/EEC)

<sup>30</sup> Waste Management Licensing Regulations 1994 (SI 1994 No.1056)

<sup>31</sup> <sup>27</sup> Council Directive 99/31/EC on the Landfill of Waste

### **Biodegradable Component**

B5 To reduce the gas emissions and reduce the potential for 'global warming', there is now a need to promote the significant reduction of the amount of biodegradable waste disposed of to landfill (see D7 & D8 for additional targets):

- by 2010 to reduce biodegradable municipal waste landfilled to 75% of that produced in 1995
- by 2013 to reduce biodegradable municipal waste landfilled to 50% of that produced in 1995
- by 2020 to reduce biodegradable municipal waste landfilled to 35% of that produced in 1995

B6 Any landfill gases generated by biodegradable waste are to be collected, treated and re-used.

### **Landfill Classification**

B7 Under the Directive, landfill will be classified into three types<sup>32</sup>:

- Inert
- Hazardous
- Non-hazardous

B8 The practice of co-disposal of hazardous with non-hazardous or inert wastes in landfill will be entirely prohibited in July 2004. After that point the landfilling of hazardous materials can only take place at sites specially designated to accept them. All waste must be pre-treated by 2004 for hazardous sites, and 2009 for non-hazardous sites. New sites will have to meet all requirements from 2001.

B9 Future landfill facilities will then be of single type. Division of existing sites into more than one landfill type is possible, but this would be into distinctly separate sites and not just separately engineered cells. Further consultation on the draft Landfill Regulations in relation to the separation of landfill sites as a result of the ban on co-disposal is imminent.

B10 Operators of existing landfills are to submit Conditioning Plans<sup>33</sup> to the Environment Agency by July 2002, to set out the measures that will be taken to bring the existing sites into line with the requirements of the Landfill Directive. The Conditioning Plans may require development to be undertaken that is not in accord with the planning consent. Operators and the Environment Agency should liaise with the waste planning authority to ensure that the required changes are acceptable and to determine whether a further planning approval is necessary.

### **Banned Wastes from New Landfill**

B11 The Directive bans liquid wastes, infectious clinical waste, and explosive, corrosive, oxidising, highly flammable and flammable wastes from disposal in new landfills from July 2001. Existing landfills will have to cease taking these wastes between 2002 and 2009 dependent upon the site classification. All sites are likely to comply by 2007. By 2003, whole tyres will be banned from landfill, and shredded tyres by 2006.

B12 By 2003, all EU member states are to set up a strategy for reducing the quantity of biodegradable municipal waste (BMW) disposed of to landfill, as well as biodegradable waste from other waste streams.. There are significant potential benefits in re-directing this part of the waste stream away from disposal and toward recovery (recycling), with biodegradable waste being a store of both materials and energy.

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<sup>32</sup> Definitions to be confirmed by EC

<sup>33</sup> Conditioning Plans provide a schedule of works to bring sites up to the Directive's requirements.

## **ANNEX C: Specific Planning Considerations**

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### **Transport and Access<sup>34</sup>**

C1 The economic viability of certain facilities will rely on volume and throughput. Vehicle movements in and out of such facilities should be considered carefully by local planning authorities. Co-locating facilities at nodal points that are easily accessible from major transport routes, may reduce the need for transfers between sites, and reduce the impact of traffic on the road network.

C2 Local planning authorities should consider routes and volume of traffic associated with increased activities at existing facilities, as well as the traffic implications at proposed facilities. The ideal scenario, where other planning considerations allow, would be the location of facilities at a nodal points, or adjacent to major transport links.

C3 Planning permission should be refused if the existing road network is unsuitable, or the impact of traffic on local communities is unacceptable, and cannot be improved sufficiently as part of the proposed development. Improvements may be achieved through a highway 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.

C4 Most waste facilities have specific spatial requirements, for example an appropriate size, layout, and level service area for parking, unloading and turning of large vehicles with minimal reversing and a parking area for staff and visitors.

C5 A planning condition requiring that adequate cleansing facilities are provided so that vehicles moving off sites should be clean, will normally be sufficient to ensure that mud and waste materials are not deposited on the highway.

C6 Where there is reason to believe that the numbers of vehicle movements to and from a site will have significant adverse effects on residential property along access routes, it may be appropriate to set a limit on the quantity of material that may be transported, or the number of movements to be permitted over specified periods. Ideally, such a condition will be self-policed by the operator, for example through keeping suitable weigh-bridge records, but planning conditions may be imposed to require summaries of vehicle movements to be submitted periodically to the local planning authority for monitoring purposes.

### **Dust and other Emissions**

C7 Dust, particulates and other emissions such as methane generation, are amenity, air quality and health issues that persist outside of operating hours. The potential issue of toxins or pathogens from proposed waste management facilities are matters of major public concern. Such matters are normally controlled under pollution control legislation or permit conditions, both the responsibility of the Environment Agency. The nature of dust particulate from waste management facilities will depend on the type of facility. Dust production can be minimised through use of appropriate and well-maintained equipment and careful design of a facility. 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.

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<sup>34</sup> Technical Advice Note (Wales) 18 Transport 1998

C8 Dust emissions should be controlled, for instance by regular water spraying, by adequate covering of waste storage areas or deposited wastes in landfill sites, or by modifying air outflows from buildings or incinerators. It may be appropriate to impose a planning condition that requires waste operators to prepare a scheme, or to indicate what measures will be undertaken, to suppress dust on site. Care should be taken, however, that any planning condition does not duplicate a condition imposed through a waste management licence or Pollution Prevention and Control Permit (PPC). Although proposals for new incinerators are generally unpopular, the new generation of modern incinerators are fundamentally different with far lower emissions than the early incinerators.

### **Birds and Vermin**

C9 Waste management sites, especially landfills, can attract birds and vermin. Vermin can present a health hazard and control is provided by the waste management licence. Some tips are attractive to protected or rare species and require particular care in management.

C10 The numbers and movements of some species of birds, may be influenced by the distribution of landfill sites. Congregating birds can become a major nuisance to people living near facilities. They can also become a substantial hazard to aircraft at sites close to aerodromes. As part of the aerodrome safeguarding procedure, local planning authorities are required to consult the Civil Aviation Authority (CAA) on all applications for landfill development that fall within eight miles of major civil aerodromes, and the Ministry of Defence for similar development within 10 miles of military aerodromes. Local planning authorities within such areas should also consult the CAA and Ministry of Defence when preparing their unitary development plans.

### **Odours**

C11 Waste management facilities can produce unpleasant odours that can result in recurring nuisance to local residents and other neighbours, and this should be given full weight in the consideration of planning applications. Odours can be minimised by using techniques such as negative pressure in facility housings, 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.

C12 Draft working plans to explain operating procedures should be included in the planning application to set out the details of how offensive odours can be minimised and these should be properly implemented. The potential for odour generation and likely dispersion patterns, taking account of topography and weather conditions should be fully investigated in considering planning applications. Effective odour control should be demonstrated including contingency plans for odour incidents. Unless appropriate mitigation measures are included, permission should be refused. The Environment Agency should advise the local planning authority on the pollution control provisions and specify those issues that the licence or permit will deal with to avoid duplication of controls.

### **Noise<sup>35</sup>**

C13 Facilities can produce noise both inside and outside buildings. Intermittent and sustained operating noise, such as vehicle reversing alarms, may be a problem if not kept to acceptable levels, particularly if night-time working is involved. It will often be necessary to

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<sup>35</sup> Technical Advice Note (Wales) 11 Noise 1997

impose planning conditions relating to the suppression of noise during operations, and limiting times of operation.

C14 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.

C15 The aim should be to control noise impact by setting noise limits at places where people work and live. This is more appropriate than setting noise limits at site boundaries or prescribing minimum distances between sites and noise sensitive properties.

C16 Noise from heavy mobile equipment and vehicles can be particularly obtrusive. Regular reversing vehicle alarms may cause disturbance. The aim should be to achieve a system that is effective in safety terms, but where noise is limited in range. Noise from some vehicle operations, baling equipment and conveyors may be contained within buildings. However, some external disturbance may be inevitable and amenity bunds should be used where appropriate to screen nearby properties from excessive noise.

### **Litter**

C17 Litter can be a serious problem on waste management sites, especially landfills, transfer stations and civic amenity sites. Operators should ensure that their site operating procedures tackle this problem in a reliable and consistent way, by ensuring for example that working areas are covered, and that litter screens are erected and maintained. 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, should be appropriately netted or sheeted.

### **Protection of surface and groundwater**

C18 For landfill and landraising, planning conditions will be required to control drainage and disposal of surface water and to prevent pollution of groundwater by leachate. Proposed sites for landfill or landraising, should be investigated carefully by developers, in consultation with the Environment Agency, to determine the geological and ground conditions and the behaviour of surface water and groundwater. Other forms of waste management facility may also have the potential to affect groundwater through seepage of pollutants.

C19 Waste management facilities proposed in areas that are regularly or potentially subject to flooding are unlikely to be acceptable<sup>36</sup>. In areas that may be subject to flooding, the potential effects on floodwater should be taken into account. The Environment Agency Wales will provide advice on this and the potential generation of additional surface water run-off.

### **Land instability**

C20 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. Local planning authorities should satisfy themselves that the stability of proposed sites has been

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<sup>36</sup> Technical Advice Note (Wales) 15 to Development and Flood Risk

properly investigated and where necessary, an engineering assessment may be required to design appropriate precautionary or remedial measures<sup>37</sup>.

C21 Any new landform, resulting from landfill or landraising operations, should be designed both to be inherently stable and to fit with the nature and scale of existing features in the vicinity. 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.

### **Visual impact**

C22 Waste management facilities, their operations and the traffic associated with them vary greatly in size and degree of their visual intrusion. Consideration should be given to the potential effects on the landscape. Smaller, less conspicuous installations may be more appropriate in some circumstances, subject to 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.

C23 The site planning for a large waste management facility should include details of landscape proposals and planting where this is required to reduce visual impact. A landscaping scheme will usually be required as part of a planning application.

### **Nature and archaeological conservation**

C24 Landfilling may be proposed in former mineral workings that have been abandoned for some time, and where natural regeneration of habitats has been taking place. It is for local planning authorities in consultation with the Countryside Council for Wales to consider whether landfilling would be appropriate in these circumstances, having regard to the nature conservation value of the site<sup>38</sup>. Guidelines on the reclamation of damaged land for nature conservation are provided in *Reclamation of Damaged Land for Nature Conservation* TSO (1996). This recommends that all areas of damaged land, including former mineral workings, should be assessed for their nature conservation interest. Where any ecological interest is known or is suspected to be significant on or adjacent to proposed development sites, an ecological / geological / soil survey should be undertaken before any decision is taken on the future use of the site.

C25 Account should also be taken of the potential effect on sites of archaeological importance.

### **Hours of operation**

C26 Local planning authorities will need to consider carefully the proposed operating hours of facilities in order to mitigate impacts of noise, lighting and traffic movements. A condition setting out the hours of working (different hours may be necessary for certain activities) and hours of traffic movement may need to 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 operations or traffic movement to take place at night, during Sundays or on Bank Holidays. However, it should be recognised that certain activities may need to operate at other times. Maintenance of plant, facilities to control or collect gas emissions at landfill sites, or

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<sup>37</sup> Planning Guidance (Wales) Planning Policy First Revision 1999 is under review. A consultation draft Planning Policy Wales issued in March 2001, and Consultation Draft TAN Development on Unstable Land (November 1996) to be reviewed.

<sup>38</sup> Technical Advice Note (Wales) 5 Nature Conservation and Planning 1996

surface water pumping may require 24-hour operation. At particularly sensitive sites there may need to be more stringent restrictions on hours of operation. Planning and licensing controls relating to hours of work should be complementary.

C27 A planning condition limiting overall hours of working may require a shorter operational day for waste disposal to make sure that all operations 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**

C28 A planning permission for a waste management facility must in most cases be implemented within 5 years. Longer periods may be appropriate in exceptional circumstances. The impacts of new developments both during and after construction need to be monitored carefully. The local planning authority should be notified when development is to begin.

C29 The duration of a planning permission 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. Predicted end dates may vary, and LPAs may have to exercise flexibility, although public concern about final restoration should be considered carefully.

C30 Landfill operations should be undertaken in accordance with an approved programme of phased operations, in order to minimise environmental disturbance. There are advantages in using planning conditions that give the operator the opportunity to apply to the local planning authority 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 local planning authority should give prime importance to minimising the overall environmental impacts of the remaining stages of the permitted development, and the consequences for other local land users.

C31 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 or co-development should be considered. It will be necessary in some instances to consider the intended closure of the parent operation, and judge whether it is appropriate to limit the period of operation of the ancillary development. This decision should be taken in the context of the regional and national strategies, and the achievement of the targets within them.

C32 Local planning authorities and operators should discuss the need for amendments to existing planning permissions to anticipate and make provision for changes in landfill categorisation and changes in the volume and nature of the waste streams available to landfill that could affect site restoration. For sites with a long remaining life, in excess of 5 years, it may be necessary to assess the viability of the operations continuing and consider alternative means of restoration, in consultation with the Environment Agency.

### **Reinstatement of the site**

C33 When the operation of a waste management site comes to an end there is an obligation for it to be left in a fit state for beneficial subsequent use. Restoration, gas and leachate control

all need to be planned in a holistic manner in advance of development to ensure that satisfactory standards of restoration are achieved. The restoration of the site should have clear regard to the end use. If the proposed after-use constitutes a material change in land use, planning permission will be required. Licence conditions and sound management should ensure that there is no possibility of future harm or pollution although post closure, methane generation may influence choice of after-use.

C34 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 unitary development plan. Additional technical guidance on the restoration, aftercare and longer-term site management of landfill sites is provided in Waste Management Paper 26E *Landfill Restoration and Post-closure Management*.

### **Location of waste management facilities**

C35 Locations should be considered within the context of the aims of the Wales Waste Strategy, the regional area of search process, 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, and with the best potential contribution to a facilities framework. Particular care should be taken to avoid locations where new or extended waste facilities may be incompatible with existing land-uses.

C36 There are numerous factors that may influence the type of location of new waste management facilities. New sites might for instance, be located, if appropriate, within or adjacent to:

- industrial areas, especially those containing other heavy or specialised industrial uses;
- active or 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. It should be noted that quarry depth and the nature of the local water table will affect the feasibility of using such sites;
- 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 use;
- existing or redundant sites or buildings - which could be used, or adapted, to house materials recycling facilities, or composting operations;
- sites previously or currently occupied by other types of waste management facilities

C37 All locations also need to be considered in terms of BPEO (see Annex I). 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 and framework strategies, unless other material considerations indicate otherwise.

C38 Sites that are protected by national and regional policies on the restraint of development will not generally prove acceptable for waste management facilities. Local planning authorities should also take into account locally recognised sites of particular interest.

C39 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.

### **Planning conditions**

C40 Where planning permission is given for waste management, local planning authorities should consider imposing conditions or negotiating obligations, where relevant appropriate, in respect of matters such as:

- transport modes, mode transfer facilities, access arrangements, and the volume of traffic generated;
- 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 relevant to a waste management licence or PPC permit);
- the hours of operation where these may have an impact on neighbouring land-use;
- noise limits;
- the timescale of operations and any phasing of uses on a site;
- the protection of surface and underground water;
- plant and buildings;
- ancillary development;
- visual impact – screening and lighting proposals;
- landscaping;
- minimising nuisance from dust, birds, vermin or litter;
- the historic environment, industrial heritage and archaeological remains;
- precautionary measures against the risks of sites suffering from or causing land instability;
- removal, handling and preservation of topsoil and subsoil, and their replacement at the restoration stage;
- the area to be filled and site layout; and,
- restoration and aftercare - including pre/post settlement contours at landfill or landraising sites. (Details may need to be reserved until a site is close to its completion, or amended to reflect changing needs for mitigating the impacts on the environment and local communities).

C41 Applications for incinerators that would generate more than 50MW output of electricity would require authorisation from the Secretary of State for Trade and Industry.

## **ANNEX D: Municipal Waste Management**

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### **Minimisation**

D1 The Waste Minimisation Act 1998 allows local authorities to take steps to minimise the generation of controlled wastes. In England and Wales, the amount of packaging waste coming from households is around 4.5 million tonnes. This could be ameliorated by the effects of the Packaging Directive<sup>39</sup>, implemented by the Producer Responsibility Obligations (Packaging Waste) Regulations and the Packaging (Essential Requirements) Regulations, which requires manufacturers and suppliers to reduce the amount of packaging passed on to consumers.

D2 Producer Responsibility Obligations (Packaging Waste) Regulations sets its targets, repeated in Waste Strategy 2000 (England and Wales), for increased recovery and recycling of packaging waste. Local authorities are to have regard to these targets and consult with local producers to monitor progress. Although packaging waste in the municipal stream accounts for only around 9% of the total amount arising, the effect on the municipal waste stream of reduced packaging would be a net minimisation of overall waste produced, along with an increase in the amount of materials suitable for recovery.

### **Public Awareness**

D3 Local authorities should raise pro-environmental issues with the public in the media, possibly making use of links with schools and colleges, local television and radio, local free press and community newsletters, consultation with local industry, commerce and trade associations, continued liaison with community groups. Awareness schemes should promote the ideals of ownership of the issues by the public, and emphasise the effectiveness of actions to minimise and recycle waste by individual households.

### **Re-use schemes**

D4 Re-use schemes have been suggested in a number of areas, such as beverage containers, plastic carrier bags, etc. but it has been suggested that markets are not conducive to the idea in practice. Local authorities should assist the work of the Waste and Resources Action Programme (WRAP)<sup>40</sup>, to help develop and encourage further and wider take-back schemes in their area.

### **Salvage, Repair and Maintenance schemes**

D5 Small scale community and commercial schemes already exist, which gather and repair domestic appliances (ranging from small household electrical items, to computer equipment, furniture, domestic white-goods, vehicle parts and other machinery) that have been discarded. These initiatives then either sell-on working parts, or entire refurbished appliances, often at a reduced price. The re-use of these items having been made safe, workable and attractive to customers, reduces the demand upon raw materials and energy in producing new replacements.

D6 The social implications of re-use are significant in that there are often employment opportunities and marketing implications in providing affordable reconditioned materials, component parts or appliances to consumers. This situation should be promoted by local

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<sup>39</sup> Directive 94/62/EC on Packaging and Packaging Waste

<sup>40</sup> Waste Strategy 2000 (England and Wales) and Introducing WRAP. DETR, 2000

authorities, and proposals for facilities which can accommodate local municipal re-use schemes should be encouraged as part of a general framework of facilities.

### **Recovery and Recycling**

D7 Waste Strategy 2000 (England and Wales) sets out that we are to recover value (via recycling, composting, energy recovery) to meet the following targets (although these may change in the Wales Waste Strategy):

- recover value from 40% of municipal waste by 2005
- recover value from 45% of municipal waste by 2010
- recover value from 67% of municipal waste by 2015.

D8 Furthermore, there are recycling and composting targets for household waste specifically:

- to recycle or compost at least 25% of household waste by 2005
- to recycle or compost at least 30% of household waste by 2010
- to recycle or compost at least 33% of household waste by 2015

D9 The waste collection authority has the duty to produce and revise recycling plans. In the absence of additional financial levers for influencing recycling at the household level, targets will have to be achieved with the assistance of the public. A large part of meeting the challenge with regard to municipal and especially household waste relies on the good-will of the public. Local authorities should bear in mind the importance of public partnership and assistance in their local agenda 21 strategies and recycling plans. Local authorities should share innovative and successful models of waste recovery.

### **Collection and Separation**

D10 Barriers to the uptake of recovery options include the logistics of collection, separation of the recoverable portions of the waste-resource, and the availability of markets for the recycled materials. Local authorities should play their part, wherever feasible, to ensure that these barriers are overcome.

D11 Local communities must have access to recycling and recovery facilities, either at specific neighbourhood installations, or with a collection service. 'bring systems', such as static recycling units at industrial estates, civic amenity sites or supermarket car parks should also be both increased in number and more widely promoted, with easier access, and by accepting more waste types than at present. Local authorities should use their influence to help make this an easy and attractive service for public use.

### **Composting**

D12 Not all organic or carbon based waste materials are suitable for recycling, but some household waste (for example kitchen or garden wastes) are particularly suitable for composting, and subsequent use as a growing medium or as a soil improver.

D13 Composting is now even more efficient and clean with advances in composting technologies to recover organic materials effectively from biodegradable waste. This activity should be expanded to a larger scale than operates at present in Wales to help maximise use of the waste resource. Directing this part of the waste stream away from landfill will further help to meet the demanding targets of the Landfill Directive.

D14 Local authorities should work with bodies such as the agricultural industry or community composting groups to promote the opportunity to compost, the value of the activity itself, and the commercial viability of the composting industry.

D15 Local authorities are should consult with the National Farmers Union, Farmers Union Wales and the Farming and Rural Conservation Agency, WRAP and other rural based bodies to look at opportunities to use and promote this pool of resources, and thus direct biodegradable municipal waste away from landfill.

D16 The availability of home composting bins, may be an additional incentive to the recovery of household waste, and should be promoted by local authorities. The design of new housing developments should also maximise the opportunity for home recycling by incorporating sufficient space in new homes for small recycling bins within each property, although the possible problems of odours and/or vermin should be considered.

## **ANNEX E: Agricultural Waste Management**

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E1 Agricultural waste currently falls outside the definitions of controlled waste in the Waste Management License Regulations (WMLR 1994), and thus changes in handling waste are currently achieved by agreement and subscription to schemes. The potential for minimisation of agricultural waste is (according to research by MAFF and the BOC Foundation) considerable<sup>41</sup>, and there exists advice for reducing the production of farm waste<sup>42</sup>. Waste animal feeds, fertilisers, pesticides, and crop produce should be minimised where practicable. However, much of the waste arising on agricultural land is comprised of manure, slurry, effluent and residues from crops and silage, which are in general of great importance to farming practices.

E2 Farm films (non packaging plastics) are often buried or burnt by farmers due to their bulk and cost of disposal. The Second Life Plastic (Wales) scheme is a funded recovery programme for this kind of arising where the scheme sends plastic to Dumfries. Application of the proximity principle would further improve the environmental advantages of the process. Local authorities should work with the farming unions, Environment Agency and other bodies to increase membership of this scheme among farmers, and initiate similar schemes.

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<sup>41</sup> Waste Strategy 2000 (England and Wales) p108

<sup>42</sup> Opportunities for saving money by reducing waste on your farm: A manual for farmers and growers. MAFF & The BOC Foundation 2000.

## ANNEX F: Co-ordinated Waste Planning

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### Environment Agency

F1 The PPC Regulations 2000 and Waste Management Licensing (WML) Regulations require planning permission to be in force before a new permit or license is granted. This is also relevant for additional activity, changes of processes at facilities or increases in throughput, that are not permitted development. The Environment Agency is required to consult the planning authority when waste management licenses are being considered to deliver consistent decisions. Developers who are considering the provision of any waste management facility should discuss the proposal with both the planning authority and the relevant pollution control regulator at the earliest opportunity to identify any potential problems and to consider how these may be overcome.

F2 Licences are required to recover, transport, deposit or dispose of waste, and are obtained by application to the Environment Agency. A key feature of the Waste Framework Directive<sup>43</sup> and the licensing system under the Waste Management Licensing Regulations 1994, is the objective of ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment. The Environment Agency has the responsibility to uphold that objective in its licensing considerations and waste planning authorities have similar responsibility in their planning functions.

F3 The Environment Agency also has responsibility for registering sites that are used for storage or recovery, but are exempt from waste management licensing. The use of inert waste to reclaim or improve land for agricultural benefit or ecological improvement by reason of the land being incapable of beneficial use without treatment is exempt from regulation providing the activity has planning permission. The storage of inert waste for later construction use (including the provision of recreational facilities, such as golf courses) is exempt from licensing as such operations are considered to recover wastes. The Environment Agency will advise local planning authorities further.

F4 To secure better monitoring, operators of exempt sites should submit data to local planning authorities regarding their activities. Operators should enable periodic inspections and monitoring by the Environment Agency and local planning authorities, at sites with specific permissions and those that are permitted development.

F5 The Environment Agency should work closely with local planning authorities on relevant planning applications and notifications of exempt waste disposal proposals to ensure that adequate information is available to enable proper decisions to be made, and to better deal with local concerns. Furthermore, the Environment Agency should be consulted and provide advice to operators and local planning authorities in screening and scoping proposals relating to Environmental Impact Assessments.

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<sup>43</sup> 91/156/EEC

## **Relationship between the Local Planning Authority and Environment Agency Wales**

F6 Co-operation, consultation and clear division of formal responsibilities between the Environment Agency Wales and local planning authorities is crucial for the achievement of the objectives and targets previously outlined in this technical advice.

F7 Pollution control is the responsibility of the Environment Agency. Local planning authorities should consult the Environment Agency on pollution control issues in respect of unitary development plans or planning applications.

F8 The local planning authority will statutorily consult the Environment Agency Wales:

- as to whether a pollution control policy will achieve its aims;
- as to whether a development would be acceptable in terms of pollution control;
- as to whether it would be necessary to impose controls over pollution issues;
- as to whether such controls could be imposed by the Environment Agency Wales under a waste management licence or a full Pollution Prevention and Control permit or;
- if not, what controls should be imposed by conditions of a planning permission.

F9 If the Environment Agency Wales advises that the development is acceptable, and that it can impose the necessary pollution controls in the Waste Management Licensing or PPC permitting process, the local planning authority will not normally impose conditions in the planning permission on those matters but may wish to advise developers of the need for other permissions. If amendments to the development are required after the grant of planning permission, as a result of other consents, early discussions should take place with the local planning authority and a further planning permission may be necessary. Liaison between the regulatory authorities and the local planning authority on licence/authorisation issues should be maintained to minimise the potential conflict between the requirements of the different regimes.

F10 Where the Environment Agency Wales confirms the necessity for imposing controls, which are outside the Waste Management Licensing or PPC permit (for example in respect of an exempt activity), the local planning authority should consider imposing such controls by way of planning conditions, and should liaise with the Environment Agency Wales on the technical matters involved.

F11 Where the Environment Agency Wales indicates that it can impose such controls by way of the waste management licence or a PPC, but the local planning authority considers that there are issues of serious planning interest (such as adverse impact on residential amenity or the environment) the local planning authority must be satisfied that the conditions likely to be imposed by the Environment Agency Wales would protect the planning concerns. In exceptional circumstances, if that concern cannot be satisfied by the Waste Management Licence, then appropriate planning conditions or a refusal might be considered.

## **The General Public**

F12 The Modernising Government white paper, which states that, “If public services are to serve people better, the Government needs to know more about what people want. Rather than imposing solutions we must consult and work with people”<sup>44</sup>. Advice on the preparation of unitary development plans<sup>45</sup> states that the “aim should be to encourage local people to participate actively in the preparation of plans from the earliest stages so that they can be fully

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<sup>44</sup> ‘Modernising Government’ Consultation Draft, paragraph 3.7

<sup>45</sup> Unitary Development Plans Wales National Assembly for Wales February 2001

involved in the decisions about the pattern of development in the area". Links between planning and the public in regard to waste planning is of two types; Consultative Decision Making, and Informing and Sharing. In broad terms, both methods achieve similar ends: democratically derived approval and action sharing by society. Public consultation on planning issues of public concern including proposed waste management facilities is essential at an early stage, to raise awareness, public confidence and responsibility in the planning process. Such consultation helps waste planning officers to make good quality decisions that reflect public opinion and absorb public expertise and knowledge. Public input should then be utilised in a number of ways:

- to make planning decisions based on the concerns, preferences or approval of the public;
- to debate alternative planning options in a non-planning environment;
- to negotiate a passage through contentious issues, possibly arriving at a consensus or agreed course of action.

F13 Information collated from these steps can then be used to inform democratic decision-making (for example judgements or weightings used in the BPEO process). It can also enhance strategic planning on topics such as deciding on areas of search for potential facilities.

F14 It is also possible, that challenges could be made under the Human Rights Act 1998, in the event that individuals feel unfairly treated by public authorities, and if there has not been a fair hearing or trial of certain views or concerns. This is potentially sensitive area, and the legal impact of not inviting participation in certain decision-making procedures could be significant. Local planning authorities and their voluntary joint arrangements should have particular regard to this legislation, and take early and pre-emptive legal advice.

F15 Specific guidance on the approaches or methods of developing public awareness, or carrying out public participation or consultation programmes, is not extensive (see Paragraph 6.8). Local planning authorities should make use of existing expertise from not-for profit organisations, consultants, or academic research to inform their own activities. The most potent tools available in relation to public involvement in waste planning are commitment and communication.

F16 Along with formal requirements to consult with the public and other interested bodies with an interest in strategic planning, there are also various national and local democratic initiatives from such bodies as the Local Government Association, the Joseph Rowntree foundation, the Neighbourhood Initiatives Foundation and others. Expertise is becoming available and mechanisms are in place to assist public consultation and public involvement. These should be investigated and adopted where appropriate by local planning authorities, and best practice shared between them.

F17 In view of the demanding waste management targets that must be met and the emerging and attitudinal changes that are required over a relatively short period of time, it is important that local planning authorities should invest in the development of such public involvement strategies.

### **Other Contributors to Waste Planning**

F18 Local planning authorities should make use of any other expertise that is available in waste planning issues. Significant partnerships should be established with local authority waste planners and managers, the waste management industry, the market for secondary or reclaimed materials, the voluntary sector and waste producers. The inclusion of a balanced and experienced body of advisers is essential in designing policy and in preparing regional waste plans and policies in UDPs.

## **ANNEX G: Joint Arrangements of Local Authorities**

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G1 Joint arrangements between local authorities should reflect the regions indicated in Map 1.

G2 Technical work carried out should involve key partners and stakeholders and might include inter alia (bearing in mind the management of over-large groups):

- planning officers and technical officers (from the relevant waste collection and local planning authorities)
- Environment Agency Wales,
- Officers of the National Assembly for Wales
- the WDA and WRAP co-ordination
- Countryside Council for Wales
- representatives of Regional Economic Fora,
- waste management industry representatives,
- Wales Environment Services Association,
- Council for the Protection of Rural Wales.

G3 Regional Waste Assessments, that will be prepared by the Regional Technical Groups, should share a standard format for ease of use between regions and regionally relevant data should be produced within 12 months. These assessments will inform the Regional Waste Plans and provide a basis for the policies in UDPs.

## **ANNEX H: Best Practicable Environmental Option (BPEO) and Sustainable Waste Management Option (SWMO)**

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H1 The assessment of BPEO is not straightforward and is evolving through ongoing research. The following process gives an outline of a generic BPEO assessment that has been expanded to cover social and economic issues and incorporates a consultative approach. The process is outlined here as a basis for the selection of options in a particular area or region. Individual proposals for major waste development can then be assessed against the regional BPEO analysis. Where the development does not form part of the BPEO assessment, a further BPEO assessment may be required from the potential developers as part of the Environmental Impact Assessment process (EIA). The process and tools described set out a path to follow and are designed to ensure that a clear audit trail of how BPEO was decided can be recorded. Guidance is emerging to assist with BPEO assessment<sup>46 47</sup>.

H2 Stage 1 should provide a clear statement of the current arrangements for managing household and commercial waste in the area as a baseline from which to start to consider future options.

H3 Stage 2 should review the national criteria that have been defined for waste management decision-making in Wales to ensure that they address all the relevant local issues. The criteria are grouped under five headings: environmental; economic; social; practicability; and compliance with other policies; that should be addressed when appraising waste management options against the criterion:

### **Environmental**

- Air, land and aquatic environment;
- Cultural heritage;
- Global climate change;
- Local amenity;
- Natural heritage;
- Non-renewable resource use, and;
- Accidental Risks.

### **Economic**

- Cost;
- Financial / affordability, and;
- Impact on local economy.

### **Social**

- Employment;
- Making producers responsible;
- Skills base;
- Public acceptability, and;
- Social implications.

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<sup>46</sup> BPEO – Decision Making Guidance SEPA

<sup>47</sup> Multi Criteria Analysis – A Manual - DETR

### **Practicability**

- Practical deliverability;
- Technical feasibility;
- Flexibility, and;
- Making best use of existing facilities and expertise.

### **Compliance with Other Policies**

- Compliance with other policies.

H4 Stage 3 should define an initial range of options for future management of household and commercial waste to form the starting point for developing a shortlist of preferred options for waste management.

H5 Stage 4 should appraise the options defined in Stage 3 against the decision criteria in Stage 2.

H6 Stage 5 should use the appraisal results (Stage 4) to select two or three household and commercial waste options from the initial set which perform best on balance across the Decision Criteria. These options will be those which maximise the positive effects whilst minimising the negative effects. These options should then be taken forward and refined before being combined with options for industrial and construction and demolition waste to provide fully integrated waste management system options for the area.

H7 Stage 6 should review and refine the short-listed options for household and commercial waste to ensure they are as close to the ‘best’ or ‘optimal’ solutions as possible.

H8 A summary of current and predicted future arisings of industrial and construction and demolition wastes should be conducted at Stage 7, including an overview of present arrangements for their management and any committed changes in these arrangements.

H9 Stage 8 should map out a number of different management options for industrial and construction and demolition waste – the same way as for household and commercial waste in Stage 3. The aim should be to represent the spectrum of different ways of dealing with each waste stream, covering all stages in the waste cycle from waste minimisation to final disposal in each option.

H10 Stage 9 should create a set of integrated waste management options that can be appraised for their respective costs and benefits from which a shortlist for consultation can be selected.

H11 Stage 10 should obtain information about how each Integrated Option performs against the Decision Criteria in the same way as was done for household and commercial waste options in Stage 4.

H12 Views of all interested parties on the shortlist of integrated waste management system options should be obtained before making a final choice of the preferred solution (Stage 11).

H13 The final stage, Stage 12, the results of the consultations with stakeholders should be taken into account in a final comparison of options from which the preferred integrated waste management system for the area will be identified.

H14 BPEO assessments historically have not fully examined the socio-economic aspects of waste management which has limited its value in the planning process. On a strategic and

regional scale, research by the DTLR “Planning for Sustainable Waste Management: Options Appraisal Methodology” (due to be published in 2001) aims to build upon the concept of BPEO and to address its shortcomings with respect to the planning process. The methodology produced will be applicable in Wales as well as England. This process is similar to that of BPEO, but considers the best available and most sustainable methods of waste management at the larger, resource co-ordinated regional scale. In the absence of the above Options Appraisal Methodology having been undertaken at a regional level, decisions at a local level should continue to be made on the basis of BPEO. However, there should be a move towards the use of Options Appraisal Methodology at a regional level.