

DERBYSHIRE COUNTY COUNCIL

**CABINET MEMBER MEETING – JOBS, ECONOMY AND
TRANSPORT**

22 October 2013

Report of the Acting Strategic Director – Environmental Services

**GOVERNMENT CONSULTATIONS ON WASTE MANAGEMENT,
WASTE PREVENTION, AND UPDATED WASTE PLANNING
POLICY**

(1) **Purpose of the Report** To agree the County Council's responses to the Department for Environment, Food and Rural Affairs and the Department for Communities and Local Government consultations on:

- a) The Waste Management Plan for England;
- b) The Waste Prevention Programme for England; and
- c) Updated National Waste Planning Policy: Planning for Sustainable Waste Management.

(2) **Information and Analysis**

Local Member Comments

Derbyshire Members of the Derby and Derbyshire Development Plans Joint Advisory Committee and Councillors Botham and Collins were consulted. Any comments received will be reported at the meeting.

a) The Waste Management Plan for England

The consultation on the 'Waste Management Plan for England' (the Plan) seeks views on whether the Plan, when combined with the Updated National Waste Planning Policy, will fulfil the obligations of Article 28 of the revised European Waste Framework Directive 2008 (Directive 2008/98/EC) as far as England is concerned. The Directive sets out that the plans shall cover the entire geographical territory of a Member state, and contain some basic administrative rules concerning waste management planning

Officer Comments

The Plan aims to bring existing policies under the umbrella of one combined national Plan. However, unlike similar plans for the other devolved administrations, it does not provide a vision of how the Government wishes to

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see the sector develop over the coming years. It lacks detail and targets, and consequently fails to provide the direction and impetus required by the sector to achieve long-term sustainable waste management in England.

Critically, it fails to provide clarity around the future of landfill tax after 2014/15, the application of national performance targets to local authorities and the importance of designing local services to meet local need.

Within the Plan, there is an emphasis on 'weekly collections of residual waste'. If imposed, this would have a significant cost impact on local authorities in Derbyshire, particularly during a period of significant financial pressures. Since all district and borough councils in Derbyshire operate alternate weekly collections of residual waste, the cost of re-instating weekly collections would be a significant burden.

b) The Waste Prevention Programme for England

The consultation on the 'Waste Prevention Programme for England' seeks views on the proposed vision, priorities, metrics, roles and responsibilities that Government and others will have in helping to reduce waste.

Officer Comments

It is considered that the proposed vision is too vague, because it does not set specific measurable targets, or adequately detail how the success of the prevention programme will be judged. The Government should set out a national plan and national targets for waste reduction, linked to a clear plan as to how these are to be achieved. Without specific qualitative and quantitative targets within the plan, it will be impossible to assess whether its measures are being effective.

Furthermore, insufficient detail has been provided on the range of metrics needed to measure genuine prevention, and there is little innovative thinking on policy mechanisms to drive behavioural change.

The proposed role for Government does not provide sufficient emphasis on the leadership required to promote clean design that eliminates waste from the production process and significantly underplays its responsibility in stimulating behavioural change, both amongst consumers and businesses. Substantial cuts to the Waste and Resources Action Programme (WRAP) and local authority funding have made this task more difficult.

The Scottish Government gives fundamental guidance to businesses by stating key measures, such as progressive landfill bans, and the support of resource management infrastructure to protect the environment and deliver zero waste outcomes. This draft Waste Prevention Programme for England needs to mirror that kind of commitment by providing equally tangible

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measures. Relating waste prevention policy to sustainable energy policy would also be helpful for business and local authorities in England.

Local Authorities are “strongly encouraged” to develop waste prevention plans but there is potentially little appetite for authorities to undertake non-statutory duties against a backdrop of huge resourcing issues and budgetary cuts. Derbyshire County Council recognises the importance of local authorities in setting an example to local communities, and will continue to work tirelessly to achieve this. However, in an environment of substantial cuts to local authority funding, there is potentially reduced opportunity for undertaking non-statutory duties and the ability to effectively deliver local waste prevention plans on the ground.

c) Updated National Waste Planning Policy: Planning for Sustainable Waste Management

The consultation on the ‘Updated National Waste Planning Policy: Planning for Sustainable Waste Management’ seeks views on Government’s proposals to update national waste planning policy. It is intended to replace existing national waste planning policy contained in Planning Policy Statement 10: Planning for Sustainable Waste Management, published in July 2005 and revised in March 2011.

Officer Comments

Whilst, overall, the National Planning Policy Framework (NPPF) takes a positive approach to development planning and economic growth, draft Planning Policy Statement 10 (PPS10) adopts a rather different stance, emphasising the development management aspects of planning for sustainable waste management. It therefore offers several opportunities to support reasons for refusal of development proposals, notably in the Green Belt, that would limit the provision of sustainable waste management facilities in appropriate locations.

More serious consideration should be given to the inter-relationship between draft PPS10, the Waste Management Plan for England (WMPE), and the Waste Prevention Programme for England (WPPE). Whilst PPS10 is part of the WMPE, on the other hand, the WPPE will ‘sit alongside’ the WMPE. It needs to be made clear which documents will constitute the WMPE.

It is welcomed that many important principles set out in the current PPS10 have been successfully carried forward into the new draft policy. However, several issues remain unaddressed.

- The ‘Duty to Cooperate’ in the Localism Act 2011, and collaborative working with other Waste Planning Authorities, are given only a fleeting mention, and should be expanded to cover engagement through sub-national waste planning working groups, and the successors to the

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Regional Technical Advisory Bodies. Draft PPS10 does not detail how any failure to engage or agree would be managed/mitigated, and all these issues could usefully be covered in more detail in the 'Duty to Cooperate' section of the new National Planning Practice Guidance.

- It is disappointing that draft PPS10 does not make full reference to the economic development, economic resilience and employment creation that is derived from sustainable waste development. Waste infrastructure makes a central contribution to all these activities, and should be given a much more positive recognition within this overall framework.
- Specifically, the draft could emphasise the importance of delivering modern waste management infrastructure of all scales/types for the growing "green" economy and its important role in reducing climate change.
- The availability of robust waste data continues to be a significant problem in terms of scope and relevance. Much national waste data information is based on old, outdated studies or surveys with data samples that are either too small or too unrepresentative to be a robust evidence base at the Waste Planning Authority level. Whilst data on household waste are, and remain, credible, other sources around commercial and industrial, construction and demolition, waste are very poor.

In terms of identifying sites for new development, the policy to try and make more comprehensive use of the full potential of Combined Heat and Power (CHP), whilst laudable, fails to recognise the planning reality that there are often issues or hostility to locating other infrastructure close enough to heat outlets to make such schemes commercially viable. This is the principal reason that many thermal treatment facilities remain "CHP ready" as opposed to full CHP. There is little practical realisation of this, or any measures identified to overcome it.

In relation to locational criteria to steer selection of the suitability of areas or sites for waste, there is a marked lack of strategic consideration of other spatial planning considerations, for example, transport, housing, growth, and how waste development could, and should, form an integral part.

The proposed policy approach concerning the consideration of proposals for waste facilities in the Green Belt will make it significantly harder to justify permitting waste management facilities in sustainable locations close to major sources of waste (such as agricultural waste), i.e. where they are most needed, leading to facilities being located at greater distances from waste arisings, with consequently increased road transport distances. The current

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PPS10 wording has helped deliver some significant waste management facilities in appropriate locations.

(3) **Financial Considerations** There are no financial consideration associated with this report.

(4) **Legal Considerations** The recommendation in this report is made in the context of the County Council's responsibilities and services under the Localism Act 2011.

In preparing this report the relevance of the following factors have been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on files 1011 and 1016 by the Planning Services Manager within the Environmental Services Department. Officer contact details – David Dale, extension 39810.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member authorises officers to respond to the Department for Environment, Food and Rural Affairs and the Department for Communities and Local Government, as set out in the report, and to include comments of a technical nature.

Mike Ashworth
Acting Strategic Director – Environmental Services