

THE ROYAL TOWN PLANNING INSTITUTE

PPS 10: PLANNING FOR SUSTAINABLE WASTE MANAGEMENT

A response to the Office of the Deputy Prime Minister
on the consultation draft of its Planning Policy Statement
and draft framework for revised practice guidance

March 2005

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INTRODUCTION

1. ODPM is seeking views on its consultation draft of *PPS 10: Planning for Sustainable Waste Management*. In due course, it is intended that the PPS, with accompanying practice guidance, will replace *PPG 10: Planning and Waste Management*, which was published in 1999. The consultation draft PPS can be viewed on the ODPM website at www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_033314.pdf.
2. The consultation paper forms part of a wider package of reform being taken forward by ODPM and DEFRA. The Government's national waste strategy - *Waste Strategy 2000* – sets out a vision of sustainable waste management. The emphasis is on reducing the growth in waste and moving away from landfill to more environmentally acceptable forms of waste management. This will involve significant investment in new waste plant, and much of this investment will have to pass through the planning system. The Cabinet Office Strategy Unit report – *Waste not, Want not* – recommended that *PPG 10* be revised as a matter of priority, and the draft of *PPS 10* reflects the areas of concern highlighted by the Strategy Unit.
3. The draft PPS is accompanied by a *Draft Framework of Practice Guidance*.

PROPOSED PPS 10: PLANNING FOR SUSTAINABLE WASTE MANAGEMENT

GENERAL COMMENTS

4. The Institute welcomes the clear recognition given in the draft PPS to the central role of the plan-led system. This embraces the more inclusive processes of strategic environmental assessment and sustainability appraisal, signals a move away from the present BPEO regime, and should help ensure that future planning for waste management is, indeed, sustainable. The revised approach to waste management planning, however, cannot be brought fully into effect until the new style development plan documents are in place, and their proposals have

been through the statutory assessment and appraisal processes, which rather begs the question about what happens to individual waste management proposals in the meantime. New facilities will require planning permission in the short term - if EU Landfill Directive targets are to be met, for example - but the transitional arrangements outlined in *paragraph 5* help little value in these circumstances.

DETAILED COMMENTS

INTRODUCTION

5. *Paragraph 1:* We welcome the message “*where waste is produced, it should be seen as a potential resource to be put to good use*”. This needs to get to a far wider audience than the potential readership of *PPS 10*, and might well be made the subject of a public education campaign.

KEY PLANNING OBJECTIVES

6. *Paragraph 3:* The key planning objectives can be broadly supported, subject to the following comments -

- there is no explicit inclusion of self-sufficiency (at the level of the waste disposal authority) nor application of the proximity principle, which are two of the principal messages in *Waste Strategy 2000*; and
- the reference (in the 6th bullet point) to the protection of green belts needs qualification. There will be instances where the location of waste management facilities in green belts is the most sustainable solution.

7. This is another instance of an inconsistent approach in the drafting of policy statements. The approach to development in the green belt in this draft is substantially different to that adopted in respect of minerals development in the draft of *MPS 1*. In our response to that draft we suggested a cross-reference to *paragraphs 3.11 and 3.13* of *PPG 2* should suffice. We can only do the same here, though it is questionable, given that each PPG/PPS is supposed to be read in conjunction with all others, whether references to development in the green belt – an issue on which the overarching policy is that set out in *PPG 2* - are strictly necessary in any other PPS or MPS.

DECISION-MAKING PRINCIPLES

8. *Paragraph 4: 1st bullet point:* Although perhaps a nice point, “*draft*” before “*regional spatial strategies*” should be deleted. It is accepted that the Secretary of State issues the final version of the RSS (as acknowledged in *paragraph 6*), but it is that final version to which the first sentence refers, not the RPB’s earlier draft.
9. *Paragraph 5: 3^d bullet point:* The “materiality” of the PPS would apply in the circumstances described, anyway, but it does no harm to underline this. Although the transitional arrangement is generally helpful, it cannot be applied to those proposals that are currently required to be assessed on the basis of BPEO, because the replacement SEA/sustainability appraisal route will not become available until the new plan is adopted. It is assumed therefore that, in the meantime, BPEO will continue to provide the way forward.

REGIONAL SPATIAL STRATEGY

10. *Paragraph 6:* We suggest that the “*tonnage requiring management by waste planning authority*” should instead refer to “*tonnage....by sub-region*”, because a significant proportion

of waste planning authorities (WPAs) are geographically small unitary authorities that will not be self-sufficient in waste management terms.

11. We assume that the draft deliberately uses the phrase “*waste management*” to subsume both waste treatment and waste disposal. There may be advantage in an unequivocal statement to this effect.
12. It is unclear why “*where necessary*” is included in the last sentence of *paragraph 6*. If they are to provide useful guidance for local development documents (LDDs), regional waste strategies must typically include “*a pattern of waste facilities*” of regional and sub-regional significance, and will need to take this as far as a degree of locational specificity, if there is to be meaningful engagement with local communities and regional stakeholders. Only facilities of national significance will not necessarily figure in all regional waste strategies (and the mechanism for identifying a suitable distribution for these remains problematic without any form of national spatial development framework).
13. *Paragraph 7*: The emphasis given to the need for regional waste strategies to be inclusive and realistic is supported. “By type” should be added to assessments of the need for waste management capacity.
14. *3rd bullet point*: Does “*capacity*” here refer to “*environmental capacity*”, or to the physical capacity to accommodate waste management facilities? If the latter, why is it necessary to make a distinction between urban and rural areas? It might normally be expected that sustainability appraisal, and application of the proximity principle, would minimise the number of facilities for which a rural location could be justified.
15. *Paragraphs 8-10*: The processes described here should be applied at a sub-regional rather than WPA level (see *paragraph 10*, above). This suggested amendment is justified by the conclusion reached in the second part of *paragraph 10(ii)*.
16. *Paragraph 11*: Although the Institute would readily agree that “*spurious precision should be avoided*”, the process described may already be too detailed for the data that is readily available.
17. *Paragraph 12*: It is unclear how national requirements can be assessed by the regional planning bodies (see *paragraph 12*, above).
18. *Paragraph 13*: The Institute strongly supports the principle that, once tested, the regional waste strategy’s policies, and the annual rates of waste to be managed, should not be open for re-consideration at the local level. It is a basic tenet of the new development planning system that lower order plans should be in general conformity with the RSS.

Regional Technical Advisory Body

19. *Paragraph 15*: We support the role and purpose of the RTABs, but suggest that a specific funding stream needs to be put in place to allow them to function effectively.

LOCAL DEVELOPMENT DOCUMENTS

20. This section would more appropriately be titled “*Local Development Frameworks*” – the overarching term in the new local development plan nomenclature. *Paragraph 16* starts by referring to the core strategy – a development plan document (DPD) - and the draft then moves on to the identification of sites and locations, which can only be done in DPDs (ie not in

- all local development documents (LDDs)) as might be suggested by the title.
21. *Paragraph 16:* The last sentence, in referring to the time horizon of the RSS, should also confirm and emphasise the need for LDDs/DPDs to be in general conformity with the RSS.
22. The intent of *paragraph 17* is less than clear. It would be more helpful if it advised that, as far as is possible, DPDs should make site specific allocations for waste management facilities, as how else can a meaningful dialogue with the local community and other interested parties take place during the plan-making process, and some certainty be established for the prospective developer? We acknowledge that this degree of specificity is not always possible – in instances, for example, where the intention is to locate a facility in a yet-to-be developed industrial estate – and that in these circumstances it would be appropriate for the DPD to refer to a location, defined as tightly as possible, rather than a specific site.
23. *Paragraph 18:* Given the long lead times for the development of facilities, we see little benefit in the proposed 5-year cut off point in site allocation in DPDs. It may, in fact, prove counter-productive. The DPD should seek to make allocations based on the requirements of the regional waste strategy. As acknowledged in the last sentence “*allocations, which have not be taken up, should be reviewed and updated as development plan documents are reviewed and rolled forward at least every five years*”.
24. *Paragraph 19* should be the starting point for this section on LDDs. Its content, which we strongly support, should be included in a re-worked version of *paragraph 17* (see paragraph 22, above).
25. *Paragraph 20:* This situation should only arise very occasionally, if ever. A planning application from a private developer should be determined in the context of the RSS and relevant LDDs – ie there should be sufficient allocated or identified sites for waste management facilities. The last sentence suggests a totally impractical exercise and should be deleted.

Identifying sites and locations

26. *Paragraph 21:* The Institute does not agree entirely with the suggested search sequence set out here. It is inappropriate to suggest “*on-site management of the waste where it arises*” as the first choice. While this might be appropriate in some cases, it smacks too much of “burning rubbish in the back garden” for general application, and so needs to be heavily qualified. Thereafter, we suggest the sequence might be – on or adjoining industrial sites; on previously developed land; on mineral or waste treatment sites, where appropriate; and, as a last resort, on greenfield sites. Locally needed facilities may be required on greenfield sites where other opportunities do not exist.

DETERMINING PLANNING APPLICATIONS

Responsibilities

27. *Paragraph 24* makes a very valid point, but will it ever reach its intended audience – ie those LPAs that are not WPAs?

Health

28. *Paragraph 27:* In the first sentence, should “*little risk*” not be “no risk”? Although the Institute can readily support the proposition that health concerns should be referred to the “*relevant health authorities and agencies*”, it would be reassuring to hear that these bodies are aware of this advice and that they are geared up to deal with the issues.

Good design

29. *Paragraph 28:* As with the comment in paragraph 27 (above), there is sound advice here about the need to ensure that design in the built environment generally is waste management-friendly, but how does ODPM intend to get the message to the wider audience?
30. There is also a need for this section to go further and look beyond good design to the issues involved in managing waste as a resource.

WORKING IN CONSTRUCTIVE PARTNERSHIP

31. *Paragraphs 30-32:* There needs to be more emphasis on the need for involvement of all the parties early in the planning process. The issues discussed here should be resolved at the plan-making stage, and not left over to be dealt with on submission of a planning application.

MONITORING AND REVIEW

32. *Paragraphs 33-34:* Monitoring must be a more “joined-up” process than is suggested here, involving close co-operation between the regional and local authorities, and avoiding duplication-. As with other forms of planning activity, the basic data must be capable of collection at the local level. Small area statistics can be aggregated to inform the regional level; disaggregation of regional level data, so that it is useful locally, is much more difficult.

ANNEX A: WASTE PLANNING AUTHORITY RESPONSIBILITIES

ANNEX B: THE GOVERNMENT’S AIMS FOR SUSTAINABLE DEVELOPMENT

ANNEX C: THE WASTE HIERARCHY

ANNEX D: ROLE AND COMPOSITION OF A REGIONAL TECHNICAL ADVISORY BODY

33. There is considerable confusion over the status of annexes to PPSs, generally, and the weight that is to be attached to them. A PPS is policy; good practice guidance is advisory. How does an annex to a PPS sit between the two?
34. Other than to suggest that much of their text might better be included in the intended good practice guidance - dependent on the answer to the above question - the Institute has no comment on the content of these *Annexes*, which generally contain sound advice.

DRAFT FRAMEWORK OF PRACTICE GUIDE

35. The Institute is happy with the structure and outline of the proposed practice guidance, as far as it goes. However, until the full text is available, it is impossible to make a final judgement on issues such as the level of detail, and, particularly, whether the line between policy and guidance has been correctly drawn. (In the case of the draft good practice guidance published alongside the consultation draft of *MPS 1*, for example, there was, in the Institute’s view, a considerable blurring of this distinction.)
36. We would urge ODPM to make available a full consultation draft of the practice guidance before *PPS 10* is finalised.

ADB/response/draft PPS 10/doc

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