

**ANGUS COUNCIL****PLANNING AND TRANSPORT POLICY COMMITTEE****25 APRIL 1996****SUBJECT: NATIONAL PLANNING POLICY GUIDELINE  
PLANNING AND WASTE MANAGEMENT****REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT**

**Abstract:** This report outlines advice on planning and waste management published recently as a National Planning Policy Guideline (NPPG) by the Scottish Office. The NPPG reinforces the primacy of the Development Plan System and the need for clear and positive guidance in the area of waste management in both Structure and Local Plans. Recognition is also made of the recent legislative and technical changes which have occurred in the field of waste management and the impact these changes will have on future policy. Particular attention is focused on the introduction of Scottish Environmental Protection Agency (SEPA) and the change that this will bring in the licensing of waste disposal sites. The document also gives particular focus of attention to the land use planning aspects of the waste hierarchy and the various issues which will arise for local authorities. This report provides a synopsis of the main elements of the NPPG and comments upon aspects of interest and particular implications for Angus. The report also emphasises the need for close working relationships between various departments in the Council and other external agencies.

**1 RECOMMENDATION**

It is recommended that the Committee -

- (I) note and generally accept the advice contained in the NPPG on planning and waste management;
- (II) agree that the NPPG will be taken into account in the preparation of appropriate policy statements - Angus and Dundee Structure Plan and Angus Local Plan;
- (III) note the various requirements for Angus Council particularly relative to the Environmental Health and Consumer Protection Department; and
- (IV) agree that the report be submitted to the Environmental Health and Consumer Protection Committee for its interest and appropriate action.

**2 INTRODUCTION**

- 2.1 The Scottish Office has recently issued the final version of the National Planning Policy Guideline (NPPG) No. 10 on Planning and Waste Management. A copy of the NPPG is available for reference at the Members' Lounge, The Cross, Forfar.

- 2.2 This report provides a synopsis of the main points raised and highlights a number of future issues for the Council in dealing with Planning and Waste Management.
- 2.3 The draft NPPG was published for consultation purposes in 1994 and the recently published final version not only reflects consultation responses but the increased attention given to the planning aspects of waste reduction, re-use and re-cycling as well as disposal. In addition other recent legislative changes have had a bearing on the final version of the NPPG.
- 2.4 One of the main changes in terms of the planning system is that Development Plans must now make provision for waste disposal. This requirement stems from the E.C. Framework Directive on Waste and U.K. Legislation through the Waste Management Licensing Regulations 1994 and amendment to the Town and Country Planning (Scotland) Act 1972. There is therefore for the first time a clear planning dimension to the management of waste.
- 2.5 The 1994 Government Paper on "Sustainable Development: The U.K. Strategy" sets out a hierarchy of preference for Waste Management options with reduction, re-use and re-cycling placed ahead of treatment and disposal. While the general principle continues to underpin the NPPG, it also recognises that treatment and disposal are currently the predominant means for managing waste.
- 2.6 In the 1995 budget, a landfill tax was announced. The tax is to be levied at £7 per tonne on general waste and £2 per tonne on inert waste. This will commence in October 1996.
- 2.7 From 1 April 1996 the Scottish Environmental Protection Agency (SEPA) assumed responsibility for waste regulation in Scotland. The NPPG therefore outlines the role of SEPA in relation to local authorities and in particular to land use planning and waste management.
- 2.8 The NPPG also addresses the requirements of the E.C. Directive on Urban Waste Water Treatment and a separate agreement on the phasing out of sewage dumping at sea.

### **3 KEY POINTS ARISING FROM THE NPPG**

- 3.1 The main thrust of the NPPG as far as land use planning is concerned is the recognition of the role the planning system (both Development Plan and Development Control) plays in the process of waste management..
- 3.2 The importance of recent Environmental Legislation and of the introduction of SEPA are also noted.

3.3 The NPPG therefore:-

- (a) sets out the Government's planning policies for development involving the management of waste;
- (b) defines the content of Structure and Local Plans in respect of waste; and
- (c) explains how the planning system should operate in relation to other pollution controls.

Role of Scottish Environmental Protection Agency

3.4 From 1 April 1996 SEPA assumed responsibility for Environmental Regulations in Scotland. The principle aim of SEPA is to deliver managed and integrated environmental protection as a contribution towards the goal of sustainable development. While waste collection and disposal will remain the responsibility of Local Authorities, SEPA will be responsible for Waste Regulation. One of the main responsibilities of SEPA will be to establish a single National Waste Strategy which will replace individual Waste Disposal Plans currently operated by Local Authorities.

3.5 However it is recognised that this could take up to at least two years to fulfil and therefore for the time being current Waste Disposal Plans would be regarded as valid until the new strategy takes effect.

3.6 The preparation of Development Plans by Local Authorities and the establishment of a Waste Disposal Strategy by SEPA are interconnected and it is intended that both Local Authorities and SEPA will consult on each others Policy Statements during preparation. It will therefore be essential to establish good lines of communication with the appropriate departments and SEPA.

Planning Powers and Pollution Control Powers

3.7 The planning and pollution control systems are separate but complimentary in that both are designed to protect the environment from any potential harm caused by both development and operational practice. While the dividing line between the two aspects is not always clear, the planning system should:-

- (a) focus on whether the development itself is an acceptable use of the land rather than the control of the processes or substances involved;
- (b) regulate the location of the development and the control of operations in order to avoid or minimise adverse effects on the use of land and on the environment; and
- (c) secure restoration to a condition capable of the agreed after-use.

- 3.8 It is generally recognised that matters relevant to a pollution control authorisation or licence may also be material to planning considerations. The weighting attached to these matters will require to be considered to each case individually. Planning controls however should not duplicate other statutory controls or be used to secure objectives achievable under other legislation.
- 3.9 It is generally recommended that planning applications, licences and authorisations are discussed prior to submission and then determined in parallel wherever possible in order to avoid delay and to enable conditions to be taken into account in each decision. Further advice on planning and pollution controls is to be issued in due course. Nonetheless Planning Authorities and SEPA should have full consultation with each other to ensure that the relevant expertise can be brought to bear.
- 3.10 Waste Management requires three key contributions from Planning Authorities:-
- (a) implement the planning provisions of the Waste Management Licensing Regulations 1994;
  - (b) apply the appropriate aims of the Government sustainable development strategy; and
  - (c) implement SEPA's forthcoming National Waste Strategy by appropriate land allocations.
- 3.11 With regard to implementing the planning aspects of Waste Management Licensing Regulations, the planning system now requires that:-
- (a) Structure Plans should express the general proposals for the development and use of land including policies for suitable waste disposal sites or installations;
  - (b) Local Plan maps and written statements should formulate in detail these policies and proposals including those for suitable waste disposal sites or installations.
- 3.12 The NPPG outlines the various principles that should be taken into account in applying the aims of sustainable development to planning and these include the proximity principle, regional self sufficiency, precautionary principle, polluter pays, and best practicable environmental option (BPEO).
- 3.13 It is generally recognised that the final disposal to landfill will continue to account for the majority of Scottish waste. However, it is also recognised that landfill is likely to become restricted and more expensive in the long term as a consequence of the planned approach, better engineered sites, the landfill tax and increased regulation. In addition new waste incinerators that also recover energy from waste may in time

become more cost effective. The main approach is to encourage industry to provide increased capacity for re-use and recovery in line with the sustainable development strategy.

- 3.14 The NPPG also highlights the requirement to take fully into account the natural and built environment through international designations, national designations and other aspects.

#### Specific Waste Management Options

- 3.15 In a move towards reduction, re-use and recovery, it is recognised that the planning system can only play a facilitating role. This in essence is to ensure that land use provision supports the move towards better waste management. The NPPG therefore provides guidance to the future with regard to the waste hierarchy and gives particular guidance on waste reduction, re-use and recovery, waste treatment, special waste, clinical waste, sewage treatment, sewage sludge, landfill, landraising, restoration aftercare and after-use of landfill sites, landfill gas, closed landfills, civic amenity sites.
- 3.16 The NPPG highlights where planning policies can be particularly applicable and where these should be reviewed through the Development Plan system.
- 3.17 Of particular note is the requirement for waste recycling plans to be taken account of in preparing Local Plans and also in Development Control work. With regard to clinical waste Development Plans where appropriate should include policies on the location for specific clinical waste treatment plants.
- 3.18 Under the E.C. Urban Waste Water Treatment Directive a number of sewage treatment plants will require to either be improved or replaced. The NPPG requires that Development Plans include policies and known proposals where appropriate.
- 3.19 Although landfill is recognised as being a continuing method for disposal, land raising is also highlighted as an alternative method. The NPPG discusses briefly the potential that this method can have and further consideration will require to be given by authorities in assessing the implications of this aspect.
- 3.20 Restoration, aftercare and afteruse of landfill sites are a key element and the NPPG deals with the principles on which planning policies should be based as well as discussing the implications of landfill gas and ground water protection. In addition the NPPG also requires Planning Authorities to look again at closed landfill sites and whether additional environmental treatment is required.

- 3.21 Civic amenity sites are also highlighted and Planning Authorities are required to ensure that suitable and adequate provision is made for civic amenity sites in Local Plans.

#### **4 ACTION REQUIRED BY NPPG**

- 4.1 Development Plans should guide and assist the Waste Management industry and in this connection land use policies and proposals will be required to be incorporated into future Development Plans.
- 4.2 Local Authorities are encouraged to undertake surveys of their area to assess the requirements for the future with regard to waste disposal and to identify potential sites, not only for landfill but for other waste recovery and treatment processes. Such survey work should form the basis for subsequent Structure and Local Plan preparation.
- 4.3 Structure Plans should include land use policies for waste management providing the strategic planning framework for more detailed policies and proposals in Local Plans.
- 4.4 Local Plans will be on a site specific basis indicating how new developments for waste treatment and disposal will be provided for and controlled. Policies for the use of land surrounding waste disposal developments should also be shown.
- 4.5 The NPPG also provides guidance for Development Control purposes and an indication of the types of planning conditions which should be considered in dealing with detailed applications.
- 4.6 The preparation of planning policy will of course require consultation and liaison with other departments in the Council, together with SEPA.

#### **5 DISCUSSION**

- 5.1 The NPPG reinforces the primacy of the Development Plan System and the need for clear and positive guidance in the area of waste management. It acknowledges both the legislative and technical changes which have occurred in recent times and the impact that these changes will have on waste management policy. Particular attention is of course focused on the introduction of SEPA and the change that this will bring in the licensing of waste disposal sites. The NPPG also recognises the need for co-operation and consultation between all agencies involved in the waste management process so that clear and co-ordinated policy can be established.

- 5.2 One of the main points of action identified by the NPPG is the recommendation for authorities to undertake a comprehensive survey of waste disposal facilities as a background for policy preparation.
- 5.3 Tayside Regional Council commissioned consultants to prepare an overview of the need for waste disposal facilities focussing on the Angus and Dundee areas and environmental issues arising from the various forms of waste disposal. The findings from the study have been used in assessing development proposals and in finalising the Tayside Structure Plan 1993 and will be a useful background to the preparation of both future Structure and Local Plan Policy.
- 5.4 Similarly, Angus District Council commissioned consultants to undertake an appraisal of waste disposal within their area with a particular reference to disposal of household waste. This formed the basis for investment by the Council in the new contained site at Restenneth coupled to the use of the future DERL Waste to Energy Plant at Baldovie, Dundee.
- 5.5 As far as existing planning policy is concerned, the finalised Tayside Structure Plan (1993) establishes policies for dealing with waste and pollution including development proposals for the location of incinerators and new or extended waste disposal sites. A summary of the relevant Structure Plan policies, proposals and recommendations as submitted to the Secretary of State is included as Appendix 1 to this report.
- 5.6 The Secretary of State published draft modifications to the finalised Structure Plan relating to:-
- (a) the requirements for Local Plans to identify the need and location of new landfill sites;
  - (b) amending the threshold figure associated with the requirement for environmental assessments from 50,000 to 75,000 tonnes per annum; and
  - (c) deleting the reference to sites over 500,000 cubic metres capacity associated with policy 19 in addition to other wording changes including the need to meet requirements of the Environmental Assessment Regulations.
- 5.7 Representation was made with regard to items (a) and (c) and the finalised modifications are awaited from the Secretary of State.
- 5.8 In broad terms however the Structure Plan provides relevant strategic land use guidance on waste and pollution matters in Angus and the policies established generally conform with the advice presented by the NPPG.

- 5.9 With regard to the aspects of re-use and recovery, authorities are already required to prepare recycling plans and develop policy initiatives in the light of those plans. The Council already has a number of initiatives with regard to recycling and the Council will require to review their recycling plan and consider whether additional measures are required. There is a particular requirement on planning authorities to take account of waste recycling plans in the preparation of Local Plans and also in dealing with development applications. This element will require to be refined as a draft Angus Local Plan is prepared. There will involve close liaison with the Environmental Health and Consumer Protection Department.
- 5.10 The NPPG also requires planning authorities to ensure that suitable provision is made for civic amenity sites. Angus already has a network of such sites throughout the area with many having been upgraded to provide recycling facilities also. It is recommended that Local Plans make provision for such sites and in this context it will be for the appropriate department to consider whether additional provision or improvement to existing sites is required so that any such programme can be taken into account in preparation of Local Plans.
- 5.11 One of the main points that should be stressed is that while each agency (Angus Council, SEPA, North of Scotland Water Authority) have their individual agendas, in terms of planning and waste management consultation and communication linkages will require to be afforded a high priority so that areas of common ground and working relationships can be established.

## **6 FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications arising from this report, however the requirement to implement the guidance given in the NPPG may have implications for other service departments.

## **7 CONSULTATION**

- 7.1 The Director of Law and Administration, Director of Finance and Director of Environmental Health and Consumer Protection have been consulted in the preparation of this report.

## **8 CONCLUSION**

- 8.1 The recently published NPPG on planning and waste management highlights the fact that Planning Legislation has now been amended by the Waste Management Licensing Regulations 1994 requiring the Town and Country Planning System to contribute to the overall achievement of waste management objectives consistent with sustainable development principals.
- 8.2 The key function of the planning system is to assist the waste management industry by providing sites for future development of the Government's Waste Management



Strategy, to protect environmental quality and to compliment the powers of the Pollution Control Authorities.

- 8.3 The NPPG also places an emphasis on Structure and Local Plans to provide a sound land use policy basis and context for implementation through development control thereby contributing to the wider environmental objectives.

#### **NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/GDP/KW  
16 April 1996

Alex Anderson  
Director of Planning, Transport & Economic Development



## APPENDIX 1

Extract of policies, proposals and recommendations on waste and pollution from finalised Tayside Structure Plan 1993 as submitted to the Secretary of State for Scotland.

### ENVIRONMENT POLICY 18

Proposals for waste incinerators will be acceptable where they meet the following criteria:-

1. There is a need for the plant primarily for waste generated in Tayside in terms of the source, type and volume of waste;
2. Energy recovery is incorporated as an integral part of the plant;
3. The location of the plant and emissions from it does not prejudice the environmental policies of the plan;
4. The proposal does not prejudice the safety of the local road network and does not involve an unjustified need for additional public services expenditure.

### ENVIRONMENT POLICY 19

Proposals for new or extended waste disposal sites of over 500,000 cubic metres capacity will only be acceptable where they meet the following criteria:-

1. There is a need for the site or the extension to an existing site primarily for waste generated in Tayside in terms of the source, type and volume of waste;
2. There is no acceptable existing alternative site or preferable disposal option available;
3. The proposal would not involve the take up of prime agricultural land;
4. A satisfactory plan for the containment, treatment and disposal of leachate;
5. A satisfactory plan for the containment and disposal of landfill gases;
6. The proposal does not prejudice the environmental policies of the Plan;
7. The proposal does not prejudice the safety of the local road network and does not involve an unjustified need for additional public services expenditure.

#### **ENVIRONMENT POLICY 20**

Priority will be given to waste disposal sites and extensions to existing sites that result in the restoration of derelict land.

#### **ENVIRONMENT RECOMMENDATION 5**

The opportunity for energy recovery as part of all waste disposal processes should be investigated.

#### **ENVIRONMENT POLICY 21**

Proposals to locate a repository within Tayside for radioactive waste generated outwith the region will not be in conformity with this Structure Plan.

#### **ENVIRONMENT POLICY 22**

Wastewater treatment plants in Tayside will be improved to meet the standards set by the River Purification Boards and wastewater treatment facilities will be constructed in coastal locations to meet the requirements of the Urban Wastewater Directive.

#### **ENVIRONMENT RECOMMENDATION 6**

Local Plans should incorporate policies which limit development within defined safeguard areas around wastewater treatment plants.

#### **ENVIRONMENT PROPOSAL 4**

To continue to have full regard to the environmental impact of the recycling of sewage sludge to land.