

By email to:

wasteconsultation@communities.gsi.gov.uk

Roger Wand
Planning – Infrastructure and Environment Division
Department for Communities and Local Government
Zone 1/J6
Eland House
Bressenden Place
London, SW1E 5DU

2 September 2013

Dear Mr Wand

RE: UPDATED NATIONAL WASTE PLANNING POLICY: PLANNING FOR SUSTAINABLE WASTE MANAGEMENT CONSULTATION

Thank you for providing the North London Waste Authority (NLWA) with the opportunity to respond to the above consultation. NLWA is the second largest waste disposal authority in England in terms of tonnage of material managed and is one of four waste disposal authorities in the capital. The seven waste collection authorities in north London (Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest) collect circa 850,000 tonnes of municipal waste per annum.

In terms of waste planning the seven boroughs are also working together as local planning authorities to produce a joint waste development plan document which will set the land use planning framework for waste facilities in the area into the future in addition to setting common policies against which waste facility planning applications will be assessed.

The Authority is a developer in the sense of the 'Updated national waste planning policy' and is responding accordingly. The seven constituent boroughs within the NLWA area may additionally respond separately either in their capacities as waste collection authorities or as local planning authorities.

It is hoped that the comments which follow prove helpful. However, if you have any comments or queries please do not hesitate to contact me on tel: 0208 489 1412 or email: tim.judson@nlwa.gov.uk

Yours faithfully

Tim Judson
Director of Procurement

About you

i) Your details:

Name:	Tim Judson
Position:	Director of Procurement
Name of organisation (if applicable):	North London Waste Authority
Address:	Unit 360, Lee Valley Technopark, Ashley Road, Tottenham, London, N17 9LN
Email:	tim.judson@nlwa.gov.uk
Telephone number:	0208 489 1412

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

√

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

-

Metropolitan district council

-

London borough council

-

Unitary authority

-

County council/county borough council

-

Parish /community council

-

Non-Departmental Public Body (NDPB)

-

Planner

-

Professional trade association

-

Land owner

-

Private developer/house builder

-

Developer association

-

Residents association

-

Voluntary sector/charity

-

Other

√

(please comment):	Statutory joint waste disposal authority
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**iv) What is your main area of expertise or interest in this work
(please tick one box)?**

- Chief Executive -
- Planner -
- Developer √
- Surveyor -
- Member of professional or trade association -
- Councillor -
- Planning policy/implementation -
- Environmental protection -
- Other -

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes √ No

Consultation Questions

Question 1: Existing national waste planning policy in Planning Policy Statement 10 has been well-supported, so the Government has focussed on streamlining the policy in line with National Planning Policy Framework principles rather than introduce radically new proposals. **Do you agree with this approach? Do you think there is anything fundamentally missing from the updated policy that must be included?**

Do you agree with the approach? Yes ✓ No -

Do not think there is anything fundamentally missing from the updated policy that must be included? Yes - No ✓

Comments

Whilst there is nothing fundamentally missing from the updated policy, the Authority would suggest that there are some omissions which could be corrected to improve the document's usability:

Firstly, whilst the current Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) provides guidance to regional planning authorities, which is no longer relevant, it also refers to a requirement for regional planning bodies to identify the tonnages of waste requiring management for the following waste sectors:

- commercial and industrial; and,
- municipal

The draft updated national waste planning policy does not include any detail about the scope of the document in terms of waste types that are covered. This could helpfully be included.

Secondly it would be helpful if the draft policy could detail what types of facilities are included within the scope of the updated policy. As an example, the Authority would expect that a Materials Recycling Facility (MRF) sorting mixed recyclables into different streams such as paper and plastic would be included within the scope of the policy. However, it is unclear if a factory making products from the sorted plastic would be included too.

Thirdly, in the section of the policy which refers to using a proportionate evidence base there is a bullet point which references the need for planning authorities to work collaboratively with other planning authorities. The Authority would suggest that this section is strengthened to refer to the 'Duty to Co-operate' with neighbouring authorities as outlined in the Localism Act. (The Duty to Co-operate is mentioned in the next section of the policy on identifying the need for future waste management facilities but it could also be usefully mentioned in this section too).

Fourthly, given the cessation of regional spatial strategies the Authority recognises that it is no longer relevant to include a section on these as in PPS10. However, the Authority would recommend that some reference is made to the London Plan, the Regional Spatial Strategy for London which is still in place and the associated Regional Technical Advisory Body (RTAB) which remains in place too.

Question 2: The updated policy states that local planning authorities should ensure that the planned provision of new capacity and its spatial distribution is based on robust analysis of available data and information. **Do you think that sufficient data and information exists to allow waste planning authorities to adequately plan for provision of new capacity? What changes to the updated policy, if any, do you consider are necessary to achieve this?**

Yes - No ✓

Comments

Information about municipal waste management arisings and flows into and out of specific planning areas is very good, because it is captured quarterly through obligatory returns from local authorities to the national waste data system WasteDataFlow. Information about commercial and industrial waste arisings and flows into and out of local planning areas is less comprehensive because there is no centralised system available to waste planning authorities and the data is only collected via 'as required' surveys by the Environment Agency. (Waste movements are still monitored through the Duty of Care transfer note system and returns are made, but there is no requirement for quarterly totals of information to be provided to a central point as in the case of municipal waste).

However, it is in the area of future capacity provision, for commercial and industrial waste treatment in particular, where information is especially poor. As much of the existing waste treatment capacity is owned and operated by the private sector, it is difficult for waste planning authorities, unless they carry out specific surveys of the expansion and development plans for those facilities, to know how existing capacity in an area might change over time. Accordingly waste planning authorities may have more difficulty assessing what capacity gap they might expect in future years based upon future waste arisings projections and unknown plans for developing existing capacity.

The Authority is aware of local authorities' varying approaches to carrying out assessments of future capacity provision, including the use of face-to-face meetings with existing facility operators. However, it may be helpful if the new planning policy provided some details of the expectations of waste planning authorities in terms of establishing future capacity needs and how they might embark upon an assessment of existing facility plans. This policy information need not be overly prescriptive or detailed, but the policy could detail what expectations local residents and other stakeholders might expect to have in terms of the level of detail and scope of an assessment of future capacity

requirements. This may also address local residents' concerns and expectations in this regard, as evidenced by a recent launch consultation on the joint waste development plan document in north London in which one of the responding groups highlighted the process of assessing future capacity carried out by another local planning authority and recommended that the north London authorities adopt a similar approach.

Any further information provided in the policy would have to allow for the variability in authorities as an approach which might be appropriate for assessing future capacity provision in one authority may be unsuitable for another, but the Authority considers that some further detail about capacity assessments would be most useful..

(Ref: Report of North London Waste Plan Launch Consultation, 19th April 2013 - 7th June 2013 Appendix B: All representations listed by representor – available at http://www.nlwp.net/documents/2013_launch.html)

Question 3: The policy sets out the requirements for identifying sites for new development, including the proximity principle and assessment criteria. **Do you agree with the requirements set out for identifying sites, including the policy additions on the potential for utilising heat and the siting alongside waste sewage treatment works in respect of energy from waste schemes?**

Yes No -

Comments

The Authority notes that the policy regarding the requirements for site identification refers to planning for the *disposal* of waste and the *recovery* of mixed municipal waste. The Authority would argue that the expectations regarding the treatment of different waste types should be comparable. The text implies that it is only municipal waste for which there is a recovery requirement. It would be helpful if the text could be altered such that the expectations for treating waste in line with the waste hierarchy and the planning implications for doing so could be consistently identified across all waste streams.

The Authority also supports the inclusion of the requirement for waste planning authorities to 'consider a broad range of locations including industrial sites' within the policy, i.e. it is not just industrial locations that should be considered.

The policy requirement for waste planning authorities to consider 'the cumulative impact of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential' is understandable and supported by the Authority. The cumulative impact of previous waste developments in an area was one of the criteria taken into account by the GLA in establishing the local planning authority 'suitability' scores for waste apportionment within the London Plan. The greater the cumulative amount of

previous waste development in an area, the lower it scored on this suitability criterion.

However, it may be helpful if there could be some further guidance, such as in the proposed accompanying guidance to the new planning policy to assist waste planning authorities in making such an assessment. For example how would a waste planning authority assess the cumulative impact of previous waste developments in an area on 'social cohesion'? An explanatory appendix could perhaps provide guidance on such issues as well as making it clear that the 'cumulative impact' score which might lead to an area being allocated for new waste facilities in one part of the country might not result in an area being so allocated in another part of the country, i.e. this is a relative measure dependent upon other factors which also need to be taken into account.

Additionally, the draft policy makes no reference in the site identification section to the time period for which waste planning authorities might reasonably be expected to plan, and therefore allocate sufficient sites for. PPS10 notes that in the identification of land for waste management facilities, waste planning authorities should 'be able to demonstrate how capacity equivalent to at least ten years of the annual rates set out in the RSS could be provided.' However, there is no such suggestion of time planning horizons in the new draft policy. Some timescale guidance could usefully be included.

The Authority agrees with the policy additions set out in footnote 4 which state that "Where an energy-from-waste facility is the most appropriate type of development, consideration should be given to siting facilities such as to enable the utilisation of the heat produced as an energy source." However, the Authority notes that the last sentence of the above paragraph states that "This may include sites alongside existing waste sewage treatment works". The Authority considers that the focus here should be upon any potential heat users. This could include sewage treatment works but additionally other, such as industrial, users, that have a constant energy demand. Some sewage treatment works are net producers of energy and may therefore not need additional heat from external sources. Therefore, whilst the Authority does not disagree with the sentiment of the last sentence of footnote 4, the Authority considers that the scope of this sentence could be widened to encompass a wider range of operations with which energy-from-waste facilities might be usefully co-located in order to maximise the use of heat from such facilities.

Question 4: The Government considers that, with minor amendment, the locational criteria which should steer selection of the suitability of areas or sites for waste are still appropriate and comprehensive. **Do you agree with the locational criteria? If not, what should be changed?**

Yes No

Comments

Given the policy addition set out in footnote 4 it might be useful to include a locational criteria which assesses proximity to a local or proposed heat network,

e.g. 'Proximity to existing or planned decentralised energy networks'.

This was one of the locational criteria included in the proposed submission version of the previous North London Waste Plan – the joint waste development plan document for the area. See the 'Proposed Submission Version' of the North London Waste Plan available at: http://www.nlwp.net/documents/2011_submission.html

Similarly it may be helpful to include incorporate some consideration of proximity to other users with a constant energy demand in the light of the comments made in response to question 3 above.

Question 5: Are you content with the proposed policy approach concerning the consideration of proposals for waste facilities in the Green Belt?

Yes - No ✓

Comments

The Authority agrees with the principle of not siting waste facilities in Green Belt land and recognises that the status of Green Belt policy is set out in the National Planning Policy Framework (NPPF). However, there may be some waste facilities, such as composting which can be appropriate in the Green Belt if linked to end users such as farming or landscape or park management which could form 'very special circumstances' and support the wider Green Belt objectives. The Authority is concerned that the policy drafting may preclude the siting of facilities which would be particularly appropriate for Green Belt locations, such as composting facilities which can be usefully located close to the users of the product such as farmers and for the application of the proximity principle, i.e. the proximity to the end user of the product to contribute to the consideration of the very special circumstance that may be applied. It may also be appropriate to site such facilities e.g. open-windrow composting which are very similar to some other farming activities near to farming operations.

On the one hand concerns are raised about waste processing and the siting of facilities in proximity to sensitive receptors, whilst on the other hand the new policy is in danger of preventing organic processing in particular in the 'nearest available' space away from sensitive receptors - namely the Green Belt.

The Authority would therefore suggest that consideration is given to these difficult competing demands on Green Belt land and the proposed policy approach considered accordingly.

Question 6 Guidance: Alongside this consultation exercise, the Government will be preparing guidance to support the policy in line with the principles set out by Lord Taylor of Goss Moor. **Are there any specific parts of the existing Planning Policy**

Statement 10 Companion Guide or Guidance to local authorities on implementing the EU Waste Framework Directive that you wish to see carried forward? Are there any other areas where guidance is required?

Comments

From the existing Companion Guide the Authority would like to see the following elements carried forward into new guidance in support of the new policy. (These comments are made from the perspective of a potential developer rather than from a local planning authority or waste planning authority perspective):

- Figure 1 and the accompanying text in Chapter 2 (although the text could potentially be cut down), which shows and explains the inter-relationship between different planning documents which have relevance to waste. This information is particularly useful for explaining the inter-relationship between different documents to residents and other stakeholders.

- Information about sustainability appraisals, currently included in Chapter 3 of the Companion Guide should also be incorporated into the new companion guidance. In particular it would be helpful to explain how the sustainability appraisal process links to environmental locational criteria used for site suitability assessments and scoring (set out in Appendix B of the draft policy).

- The monitoring requirements in the existing Companion Guide are additionally useful and could helpfully be carried forward into the new companion guidance.

- The section about data in the existing guidance should also be taken forward into the new documentation and as noted elsewhere in this response (Question 2) it would be particularly helpful to include some additional guidance about the expectations for assessing future capacity provision and in particular how to assess the development plans for existing waste facilities.

- The chapter about stakeholder participation and community engagement within the existing Companion Guide is also helpful and should be taken forward into the new supporting guidance.

- Whilst chapter 6 of the existing supporting guidance is focused on regional planning there are some elements of the existing guidance and principles contained within the existing Companion Guide which could usefully be incorporated into the future policy support documentation; in particular the guidance on how to approach capacity gap assessments and moving waste up the hierarchy which are relevant to all waste planning authorities. In addition in a London context with the continuation of the London Plan it will be important to consider whether the new guidance should incorporate a section on 'waste planning in London' which could include some of the information from the existing Companion Guide from Chapter 6 about regional waste planning.

- Chapter 7 of the existing Companion Guide refers to the identification of suitable sites and assessments of the same. The Authority considers that this information would continue to be useful within new companion guidance. The

new companion guidance might also usefully provide additional guidance on how waste planning authorities should weight different site assessment criteria. It should also include some information on how authorities can best resolve conflicts between different competing criteria and needs. As an example the guidance could usefully reference potentially competing requirements such as the requirement for no facilities to be sited in the Green Belt but the additional requirement for waste to be managed as close as possible to where it arises and to work jointly with other waste planning authorities, through the statutory Duty to Co-operate, to provide a suitable network of facilities, where it would be economically and environmentally feasible to do so and how such tensions might be resolved. In relation to specific criteria the Authority's answer to question 3 also recommends that some guidance would be useful for authorities regarding how they might carry out assessments of the cumulative impact of waste facilities in an area. For example how would a waste planning authority assess the cumulative impact of previous waste developments in an area on 'social cohesion'? In the Authority's response to question 3 the Authority suggested that it would be helpful to provide guidance on such issues as well as making it clear that the 'cumulative impact' score which might lead to an area being allocated for new waste facilities in one part of the country might not result in an area being so allocated in another part of the country, i.e. this is a relative measure dependent upon other factors which also need to be taken into account.

Other comments:

Over-arching point:

As a general comment the Authority notes that in some places the draft policy refers to the requirements placed upon *local* planning authorities through the implementation of the policy whilst in other cases the draft policy refers to the requirements it places upon *waste* planning authorities. The wording throughout the document should either be consistent so that it is clear if the policy applies to both local authorities and waste planning authorities or alternatively some explanation should be provided regarding the instances where there is a diversion in the applicability of the policy requirements to different groups. There needs to be clarity within the document regarding its scope and applicability.

Comments on wording:

The 'Introduction' to the new policy refers to positive planning delivering sustainable waste management through a range of actions including 'providing a framework in which communities take more responsibility for their own waste, including by enabling waste to be disposed of, or in the case of mixed municipal waste from households, recovered in one of the nearest appropriate installations.'

The reference to 'mixed municipal waste from households' mixes up defined terminology in waste management: 'Waste from households' is simply waste generated by households, whereas 'municipal waste' was a term previously used to describe 'local authority collected waste', i.e. waste collected by local authorities from both households and businesses. Accordingly it is not correct to refer to 'municipal waste from households'.

Secondly the sentence referred to above seems to suggest that waste needs to be disposed in the nearest facility if it is non-household waste, but that it additionally needs to be recovered in the nearest facility too if it is waste from households. The Authority would argue that the expectations regarding the treatment of different waste types should be comparable. The text implies that it is only waste from households for which there is a recovery requirement. It would be helpful if the text could be altered such that the expectations for treating waste in line with the waste hierarchy and the planning implications for doing so could be consistently identified across all waste streams.

Accordingly the Authority would suggest that this sentence is reworded to 'providing a framework in which communities take more responsibility for their own waste, including by enabling waste to be disposed *or recovered* of, ~~or in the case of mixed municipal waste from households, recovered~~ in one of the nearest appropriate installations.'

Compliance with Article 28 of the revised Waste Framework Directive: The Authority considers that, as currently drafted, the Waste Management Plan for England, for which there is an ongoing consultation, does not meet the requirements of article 28 of the revised Waste Framework Directive. However, once it has been combined with the location specific guidance in the 'Updated waste planning policy: Planning for sustainable waste management' it will then meet the requirements of article 28 of the revised Waste Framework Directive. It is therefore of great importance for both waste planning and compliance with the Waste Framework Directive that the updated national waste planning policy is agreed and implemented as soon as possible.

Thank you for your comments.

