



Local Planning Authorities in Wales

cc PINS Wales, EAW, CCW

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## **Publication of Collections, Infrastructure and Markets Sector Plan and its role relative to Regional Waste Plan First Reviews – Interim Planning Position**

The planning system has a role in supporting the implementation of the revised EU Waste Framework Directive (rWFD) [Directive 2008/98/EC]. The revised directive establishes the legislative framework for the handling of waste in the European Union. The rWFD marks a shift in thinking about waste from an unwanted burden to a valued resource.

The new overarching Waste Strategy Document for Wales, “Towards Zero Waste” (TZW) was published in June 2010. It sets out a long term framework for resource efficiency and waste management in Wales up until 2050, taking into account social, economic and environmental outcomes. Achieving the aims in TZW relies on a suite of waste sector plans. These provide details on how the outcomes, targets and policies in TZW are to be implemented.

The Collections, Infrastructure and Markets Sector Plan (CIMS Plan) was published on 10 July 2012 and is particularly relevant for the land use planning process. The CIMS Plan updates the picture of infrastructure requirements, in relation to technology choices and the best overall environmental option for specific waste materials. The waste assessments in the CIMS Plan establish the need for residual waste treatment and disposal, as well as describing the move towards higher levels of re-use and recycling. In order to reach the goal of zero waste there is a difficult balance to be struck between making sure sufficient capacity to deal with our waste arisings is able to come forward in



the short term (to avoid environmental impacts) in a way which does not impede the achievement of longer term goals.

## National planning policy and Regional Waste Plans

National planning policy for waste in Wales is contained in section 12.5 of Planning Policy Wales (PPW 2010 Ed 4), Technical Advice Note 21 (Waste) (TAN 21), published in November 2001, and the Policy Clarification Letter on UDP waste policies and hazardous waste planning applications (PCN 04-04).

PPW sets out the broad principles governing the planning process as this relates to reducing and managing waste. TAN 21 provides more detail on how these general principles will be delivered and requires the preparation of Regional Waste Plans (RWPs), laying down the parameters for voluntary regional arrangements and describing the broad scope of the RWPs and the apportionment of need to local planning authorities. Further guidance to local planning authorities issued in May 2004 in the Policy Clarification Note, which sets out criteria for the siting of waste facilities and clarified general minimum locational requirements for inclusion in Unitary Development Plans.

Regional waste plans (First Reviews) were published between 2007 and 2009 for the three Regions identified in TAN 21 (SE, SW and North Wales). Currently, the technology and spatial strategies of the RWP First Reviews provide information on both the types of waste facilities required in a region and the types of locations likely to be acceptable for both in-building and open air facilities, including land take apportionments. The information contained in the RWP First Reviews is being implemented through each individual authority's development plan, facilitating delivery of the objectives outlined in paragraphs 5.4-5.5 of TAN 21.

### **Purpose of this clarification letter**

The existing suite of national planning policy will need to be reviewed to reflect the new waste policy context. This review will be taken forward through amendments to PPW (section 12.5) and TAN 21 and is likely to be completed by the middle of next year. Welsh Government does not wish to see any delay in plan preparation or in the determination of applications and for this reason it is considered appropriate to provide an interim position which clarifies, as far as possible within the scope of existing policy, the on-going role of RWP First Reviews relative to that of the CIMS Plan and what is expected of local planning authorities. Annex 1 to this letter summarises the waste planning policy framework and Annex 2 summarises the differences between the CIMS Plan and the RWP First Reviews.

TAN 21 (paragraph 2.11) requires that the RWPs be reviewed every 3 years, however, in light of the evolving national waste strategy framework no further reviews were programmed. The future position on regional collaboration will be consulted upon as part of the review of PPW and TAN 21. In the interim, there are elements of the RWP First Reviews that remain relevant and should continue to be used for planning purposes.

## **Implications for Local Development Plans**

Development plans continue to play an important role in facilitating EU objectives in relation to waste management by ensuring that sufficient land is identified to facilitate the provision of an adequate and integrated network of waste facilities.

The publication of the CIMS Plan updates the assessments contained in the RWP First Reviews. However, the Strategic Waste Management Option underpinning the RWP First Reviews forms the basis for taking forward the updated assessment in CIMS Plan. Although the CIMS Plan does not itself provide a revised set of land take figures it does contain a wide ranging picture of the infrastructure requirements for Wales as part of the move towards higher levels of re-use and recycling, including an update on landfill calculations for each region. The appropriate planning response to the updated assessment contained in the CIMS Plan is the subject of current consideration at the national level.

The Welsh Government does not wish to see any delay in the preparation of Local Development Plans (LDPs), particularly those already at deposit stage or expecting to be placed on deposit, during the period of national planning policy review. Therefore, in the interim, the land take ranges can be considered to provide a valuable spatial basis for implementing the broad principles of the CIMS Plan and should continue to be used by local planning authorities in the preparation of LDPs, in order to facilitate the provision of a wide ranging and diverse waste and resource management infrastructure. Similarly, the locational criteria and areas of search information (including the GIS tool) referred to in the RWPs continue to be of relevance for LDP preparation.

Local planning authorities will not be expected to consider whether policies and targets in an already adopted LDP require change to reflect the CIMS Plan until such time as revised national planning policy (PPW (section 12.5) and TAN 21) is published.

## **Implications for planning decisions**

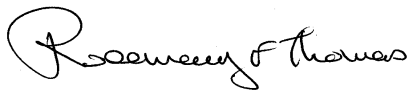
The Welsh Government does not expect or wish to see decisions regarding proposals for waste management delayed because of the current review of national planning policy. The CIMS Plan is clear that in order to achieve an increase in the quantity of waste material being diverted from landfill to preferred management methods, early delivery of residual waste treatment infrastructure is essential.

In Wales, decisions on planning applications should be made in accordance with the relevant development plan unless material considerations indicate otherwise. PPW states that decisions on planning applications should have regard to the waste management objectives in the national waste strategy, of which the CIMS Plan forms part. Therefore, alongside policies and allocations in development plans, national planning policy, the locational criteria in the RWP First Reviews and any other material considerations, the updated information contained in the CIMS Plan should be taken into account when taking decisions on planning applications.

Bearing in mind the considerations in paragraphs 3.1 - 3.3 of TAN 21, attention is drawn to section 2, table 33, of the CIMS Plan which indicates a minimum and maximum capacity gap in the provision of non-landfill residual waste treatment capacity. This table should provide the starting point for the consideration of need by planning authorities, although it

should be recognised that in itself this table does not establish specific capacity or land take requirements for any particular locality. The CIMS Plan does not preclude any particular technology and it will be for an applicant to demonstrate their choice of technology in relation to the treatment of a particular waste stream in a particular locality. Local planning authorities should consider each case on its merits, taking into account the nature of the development proposed and the circumstances prevailing at any given time which are likely to affect the capacity which may come forward in the area under consideration.

Yours sincerely

A handwritten signature in black ink that reads "Rosemary Thomas". The signature is written in a cursive style with a large initial 'R'.

ROSEMARY THOMAS  
Chief Planner/Deputy Director  
Department for Environment and Sustainable Development

**Prif Gynlluniwr/Dirprwy Gyfarwyddwr  
Adran yr Amgylchedd a Datblygu Cynaliadwy**

## Annex 1: Waste Policy Framework

Relevant Articles within the rWFD for planning include:

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| Article 1  | establishes the main objective which is to protect the environment and human health from adverse impacts associated with waste generation and management through reduction of affects and improvements in efficiency.  |
| Article 4  | revises the waste hierarchy. The most sustainable method of waste management is waste prevention (this now includes re-use), followed by preparation for re-use, recycling, recovery including energy recovery and lastly, disposal.   |
| Article 13 | requirement to protect human health and the environment  |
| Article 16 | requires the provision of an integrated and adequate network of waste disposal installations and installations for the recovery of a mixed municipal waste. The network should be designed in a way that supports the move towards self-sufficiency and ensures that waste is dealt with as close as possible to its source. |
| Article 28 | requires waste management plans to be established and reviewed at least every 6 years.   |

The European Waste Directive requires waste management plans to be produced (Article 28, rWFD). These plans should provide analysis of the current waste management situation. They must enable existing infrastructure to be mapped and consideration given to the types, location and capacity of future waste infrastructure needed to meet the RWFD's obligations including self-sufficiency and proximity. They should be sufficiently precise in terms of geographical coverage and requires suitable sites to be marked on a map or determined by location criteria (CJEU judgements of *Tillieut* and *Biffa*).

In Wales, Waste Management Plans comprise of:

- The National Waste Strategy for Wales – “Towards Zero Waste” (and “Wise About Waste” in respect of policies, targets and actions that are still ongoing and have not been superseded by TZW);
- Waste Sector Plans (including the CIMS Plan);
- National planning policy (Planning Policy Wales, Technical Advice Note 21: Waste and Policy Clarification Note PCN 04-04);
- Regional Waste Plans for North, South East and South West Wales (subject to the contents of this clarification letter);
- Development Plans (unitary development plans and local development plans)

Waste Management Plans must accord with:

- (i) The overarching objectives of the Waste Directive;
- (ii) The Waste Hierarchy;
- (iii) The requirement to protect human health and the environment;
- (iv) Principles of self-sufficiency and proximity.

## **Annex 2: Relationship between the CIMS Plan and the RWP First Reviews**

The CIMS Plan updates the picture of infrastructure requirements, in relation to technology choices and the best overall environmental option for specific waste materials. The waste assessments in the CIMS Plan establish the position on need for residual waste treatment and disposal, as well as describing the move towards higher levels of re-use and recycling. The following sections briefly describe the key differences between the RWP First Reviews and the CIMS Plan which are of relevance to the planning process and in doing so seek to explain the interim position outlined in the letter.

### Sustainability Appraisal and Sustainable Waste Management Option

**Targets and Projections:** The modelling exercise for the RWPs considered the recycling targets expressed within the previous Wales Waste Strategy 'Wise About Waste' and assumed a 50% recycling rate for 2013. The RWP First Reviews did not forecast beyond the year 2013 because of the uncertainty regarding future arisings yet proposals will be coming forward for infrastructure to deal with waste beyond the year 2013. Therefore, whilst the recycling rates identified in the RWP First Reviews may be representative of what is happening now, they do not allow us to plan further ahead. The targets have now been superseded by new higher targets set in Towards Zero Waste.

The assumptions used for predicting future waste trends in the RWP First Reviews predicted a general growth in waste arisings. Given changes in waste arisings since the dataset used for the RWP First Reviews, and taking into account waste prevention targets proposed in TZW and set in each Sector Plan, the forecasts of waste arisings and of quantities of residual waste to be managed are now different in the CIMS Plan compared to the estimated projections provided in the RWPs.

**Technologies:** In the RWP modelling, the preferred waste management options identified gave a guide to the nature of the infrastructure mix in a region to deal with the identified need. The options represent a guide to the technologies within a favourable range of environmental returns. The final mix of infrastructure provision within a Region may therefore represent a hybrid of several of the options modelled, or indeed contain elements of all of them. This offers a valuable guide to local authorities as to which infrastructure brings the best environmental returns, although the impact of other considerations means that even if a technology option is well represented within the Sustainable Waste Management Option (SWMO) for the Region, it does not necessarily mean it is going to be developed.

The modelling exercise undertaken in support of TZW and CIMS Plan considered the impacts of selected residual waste plant options taking into account the change in recycling targets, improved understanding of waste arising data and the need for the Welsh Government to develop an evidence base to set future policy on the minimum efficiency of energy recovery plant. The SWMO and sustainability appraisal carried out for the RWPs formed part of the evidence base for the development of TZW and the CIMS Plan.

The relative environmental performance of residual waste management infrastructure (and hence its sustainability) is demonstrated through the use of the WRATE lifecycle assessment tool, which shows that for residual waste management options, their impacts reduce as process efficiencies increase. This is especially significant for energy recovery options, where maximising process efficiency can have a large effect on their lifecycle impacts. The findings of the technical assessment are summarised in the CIMS Plan.

## Local and regional waste planning considerations – land-take

The RWP First Reviews addressed the issue of site provision through a methodical analysis of arisings, existing capacity and need for further provision of sites according to which of a number of 'Preferred Waste Management Options' were developed within that Region.

The technology options chosen for the RWPs modelling all had nominal facility mixes within them, and a range of facility sizes. From these, nominal land-takes were calculated, and these were then expressed as a land-take need per local authority. An overprovision element was added to these calculated figures in order to provide each local authority with a likely area of developable land needed by option chosen. This enabled the local authorities to make sufficient provision of land within their Local Development Plans for such developments.

However, subsequent technology development has led to the potential for smaller, more dispersed facilities to be developed (more flexible, able to take advantage of niche opportunities). It has also led to the possibility of larger facilities being developed to reflect economies of scale and reduce expenditure by businesses and local authorities on the management of their residual waste. The end result of this is that it is now more difficult to ascribe a value to an 'average facility' – and as such, area-based land-take calculations are likely to become less applicable.

The general approach of the CIMS Plan has therefore been to move away from land-take based calculations to an approach where the need for waste management facilities is expressed by future capacity in tonnes. A review of national planning policy for waste is underway and will be considering how the requirements identified in CIMS Plan should be translated into local development plans.

The 'Areas of Search' information which forms part of the RWP First Reviews remains a useful tool to assist local authorities in identifying sites which are suitable for waste management facilities as its development looked at general development criteria and constraints; the general locational criteria identified in the RWPs also remain relevant.