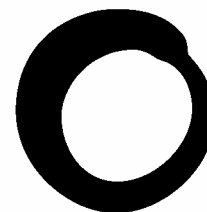


# Briefing Note



**Friends of  
the Earth**

## Planning Policy Statement 10: Planning for Sustainable Waste Management

### What is Planning Policy Statement 10?

Planning Policy Statement 10 (PPS10) is Government policy on how waste should be managed using the land-use planning system. It sets out policy for all waste planning bodies, at both regional and local level, in England. It contains a number of important principles for waste planning, many of which are law across Europe and are therefore vital for local planners and politicians to follow. Delivering sustainable development is a key planning principle. PPS10 should be a useful tool for local campaigners wanting to ensure that local authorities take account of the environment and the views of the local community when planning waste incinerators, landfill sites, recycling centres and all other kinds of waste management facility. PPS 10 is not the only relevant national policy to waste decisions. The new PPS 1 'Creating Sustainable Communities' is also vitally important and deals with general principles including the importance of sustainable development and community participation. A separate briefing on PPS 1 is available from [http://www.foe.co.uk/resource/briefings/pps1\\_a\\_summary.pdf](http://www.foe.co.uk/resource/briefings/pps1_a_summary.pdf)

PPS10 replaces an earlier form of planning guidance on waste called PPG10. There are a number of key differences between the old and the new documents. This briefing note summarises the main changes.

### The waste hierarchy

The waste hierarchy is a tool which ranks different waste management options according to their impact on the environment. Waste reduction is the most environmentally beneficial option, followed by re-use, recycling or composting, energy recovery then finally, as an option of last resort, disposal.

PPS10 contains the new principle of "driving waste management up the hierarchy" (paragraph 3) which means that waste planning authorities should always try to ensure that waste is managed by the best possible environmental means, represented by the highest levels of the hierarchy i.e. waste reduction, re-use and recycling.

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The previous version of the waste hierarchy (depicted in both PPG10 and Waste Strategy 2000) put energy recovery on the same level of the hierarchy as recycling and composting. Friends of the Earth and others have long contested this. The new version of the waste hierarchy makes it clear that energy recovery (including thermal treatment like incineration) is not as environmentally beneficial as recycling. This is an important clarification and should prove useful for local campaigners.

A diagram of the waste hierarchy is in Annex C of PPS10.

### Proximity principle

The proximity principle exists in European law (Waste Framework Directive 1975, amended 1991) and states that waste should be disposed of in one of the nearest appropriate installations. This limits the environmental impact of transporting waste long distances and helps to ensure that communities take responsibility for their own waste rather than dumping it on others. The UK's interpretation of the proximity principle was stronger than European law in the last version of waste planning guidance:

- it referred to all forms of waste management, not just disposal;
- it referred to the need for waste to be managed as near as possible to its place of *production*;
- it was supported by the principle of regional self-sufficiency which stated that *"Each region should provide for facilities with sufficient capacity to manage the quantity of waste expected to need to be dealt with in that area."*

Now, regional self-sufficiency no longer exists as a principle and the proximity principle has been weakened in order to go no further than the Waste Framework Directive wording. This is another example of the UK Government's unwillingness to 'gold-plate' EU laws by requiring higher environmental standards in the UK.

### Cumulative impacts of waste disposal

Paragraph 21 states that in deciding which sites and areas to identify for waste management facilities, waste planning authorities should take into account *"the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion or economic potential."* This is an important clause which should help ensure that the most deprived communities are not saddled with more and more waste facilities, while wealthier communities send all their waste elsewhere. Friends of the Earth played a key role in ensuring this clause was included.

### Health impacts

Paragraph 31 states that *"Where concerns about health are raised"* waste planning authorities should draw on Government advice and research and consult with the relevant health authorities and agencies to obtain advice on health implications. They should also consider the *"locational implications"* of such advice when determining planning applications. In effect this clause acknowledges that some waste facilities may have a bigger health impact in some communities than others. Again, Friends of the Earth played a key role in ensuring this clause was included.

### Demonstrating need

Paragraph 22 emphasises that waste companies should not have to demonstrate the need for a waste facility as long as the proposal is consistent with an up-to-date waste development plan. Need has previously been a key argument available to local campaigners opposing large waste plants at public inquiries. For example, in planning inquiries about incinerators in Ridham Dock, Kidderminster, Portsmouth and Southampton, assessment of the need for the incinerator was a key issue.

Both the new emphasis on plan-led development and the new approach of apportionment - where regional planning bodies apportion the tonnages of waste that each waste authority must deal with -

partly accounts for this reduced emphasis on need (see below).

### Best Practicable Environmental Option (BPEO)

This technique for making waste planning decisions has been removed from PPS10. The process of working out the BPEO for a waste stream was defined as *“a systematic consultative and decision making procedure which emphasises the protection and conservation of the environment across land, air and water”* according to the Royal Commission on Environmental Pollution.

However, the Government became increasingly convinced that applying the BPEO was slowing down or preventing planning permission for waste facilities. In an important court of appeal case over the Glapwell landfill application in Derbyshire, the Government intervened to argue that the BPEO was only intended to apply to waste plans, not individual applications. Meanwhile, it was also revising PPS10 to ensure that BPEO was no longer required at all.

Friends of the Earth has mixed feelings about BPEO. Some local campaigners found the methodology impossible to work with and the software tool associated with it, WISARD, to be full of problems. Other local campaigners, however, have won campaigns on the basis that the environmental impacts of a waste management facility were not been fully considered by the planning authority using BPEO.

To replace BPEO the Government has introduced a system called Sustainability Appraisal. However, you may find that BPEO assessments are still carried out, at least for a while, in some regions or local authorities in England. In Wales, national waste planning guidance has not been revised and BPEO assessments are still required.

### Sustainability Appraisal

Sustainability Appraisal is now required of all plans, including Regional Waste Strategies and Waste Development Frameworks. Sustainability Appraisal is designed to ensure compliance with the EU Directive on Strategic Environmental Assessment 2001 and must consider economic, environmental and social issues. The SEA Directive contains some strong requirements for environmental decision making including:

- an early and effective opportunity for the public to express their opinion on draft plans;
- taking into account significant environmental effects including those on human health, climatic factors and material assets;
- a full assessment of alternative options and reasons given for why certain alternatives have been assessed and others, which might appear attractive or practicable, have not.

The Practice Guidance that is published to support PPS10 is expected to emphasise the benefits of involving the local community in waste plans and strategies even earlier than required under SEA.

It will be unclear whether Sustainability Appraisal will be an adequate replacement for BPEO until Practice Guidance is published and waste planning authorities start implementing it. In theory, most of the elements of BPEO are retained either in Sustainability Appraisal or more broadly within PPS10:

- a systematic and consultative decision making procedure – SEA strongly emphasises community involvement and Sustainability Appraisal provides a systematic process;
- waste hierarchy – this is retained, in improved form, in PPS10;
- proximity principle – this is retained, albeit in weaker form in line with EU law;
- transparent and iterative consideration of options – required by SEA.

## Other useful information

### Community involvement

Along with other Government policies on land use planning, PPS10 makes a strong commitment to community involvement in the waste planning framework. A key principle in paragraph 3 is that planning authorities should prepare waste planning strategies that *“reflect the concerns and interests of communities”*. Paragraph 37 acknowledges that *“Planning applications for waste management facilities that cut across up-to-date development plans prepared in consultation with local communities give rise to justifiable frustration.”*

An important document which underpins PPS10 is ‘Community involvement in planning: the Government’s response’. This provides a more powerful and detailed account of why participation in planning is important.

### Arguments to use against incineration

There are some useful paragraphs in PPS10 which can be used to support a case against mass-burn incineration:

- Paragraph 12 states that the pattern of waste facilities proposed by a regional planning body should look forward in time but should *“not constrain movement up the waste hierarchy.”*
- Paragraph 18 states that waste planning authorities should identify the types of waste management facility that would be appropriately located on allocated sites, but *“taking care to avoid stifling innovation in line with the waste hierarchy.”*

Planning for large waste facilities that require long contracts of 25-30 years, like a typical incinerator does, could prevent the development of more environmentally sound waste options in the future and risks failing to meet the policy in PPS10.

### Unallocated sites

Where waste proposals come up for sites that are not already allocated for waste use in the waste planning strategy, they must be subject to certain tests. First, the proposed facilities should be consistent with PPS10 and the waste planning authority’s core strategy. Second, where these are disposal facilities (landfill or incineration without energy recovery) the company proposing the facility must prove that it won’t undermine waste moving up the hierarchy (Paragraph 24-25).

### Regional apportionment

Paragraphs 9-10 outline the duty that regional planning bodies now have to apportion tonnages of waste to be dealt with to local planning authorities, a bit like housing allocations. It is not yet clear how this will happen, but it will be done according to criteria set by the region. We have been told that the Practice Guidance should say something about how the setting of criteria for apportionment is a good (early) stage for regions to involve communities in discussions.

## When does PPS10 take effect?

PPS10 took effect when it was published on 21 July 2005. Local waste development plans should now be reviewed to take account of the policies in PPS10. Until they are, however, PPS10 is a material consideration that must be taken into account and may supersede policies in existing development plans. This means it might be tricky to win the argument that a planning application for a specific facility cannot be decided until the waste development plan has been amended in line with PPS10, generally referred to as the “prematurity” argument. Paragraph 5 states that *“Any refusal of planning permission on grounds of prematurity will not be justified unless it accords with the policy in The Planning System: General Principles.”* (see Useful Resources below).

## Useful resources

Get your own copy of PPS10

The full copy of PPS10 can be downloaded from the Office of the Deputy Prime Minister's web site: [www.odpm.gov.uk](http://www.odpm.gov.uk) in the planning section, or specifically at:

[http://www.odpm.gov.uk/embedded\\_object.asp?id=1143836](http://www.odpm.gov.uk/embedded_object.asp?id=1143836)

The Planning System: General Principles

Provides a general description of key elements of the planning system, including its structure the determination of planning applications and the Secretary of State's role.

[http://www.odpm.gov.uk/embedded\\_object.asp?id=1143816](http://www.odpm.gov.uk/embedded_object.asp?id=1143816)

Community Involvement in Planning: The Government's Objectives

This paper sets out the government's general objectives for community involvement in planning.

[http://www.odpm.gov.uk/embedded\\_object.asp?id=1144472](http://www.odpm.gov.uk/embedded_object.asp?id=1144472)

Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks

An ODPM paper, 2 November 2005.

<http://www.odpm.gov.uk/index.asp?id=1161341>

See also: Interim advice note on frequently asked questions

[http://www.odpm.gov.uk/embedded\\_object.asp?id=1050792](http://www.odpm.gov.uk/embedded_object.asp?id=1050792)

A campaigner's guide to waste development plans

Friends of the Earth's briefing on how the new waste planning system works.

<http://www.foe.co.uk/resource/local/planning/resource/index.html>

Friends of the Earth's Planning website

[www.yourplanningrights.co.uk](http://www.yourplanningrights.co.uk)

Friends of the Earth's Freedom of Information website

[www.RightToKnowOnline.co.uk](http://www.RightToKnowOnline.co.uk)

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