

Brian Freeland
ODPM Waste and Minerals Division
Zone 4/B2
Eland House
Bressenden Place
London SW1E 5DU

23 March 2005

Dear Brian

Planning Policy Statement 10: Planning for Sustainable Waste Management

Friends of the Earth is pleased to respond to the consultation on draft PPS10. Rather than follow the pro-forma for consultation responses, we are submitting a response on a number of key points, as we have already contributed our thoughts on a number of occasions. We have cross-referenced our comments to the consultation questions where relevant.

Key planning objectives

Friends of the Earth supports the list of key planning objectives (Para 3). In particular we are pleased to see that the waste hierarchy and the proximity principle are underlined in the planning objectives as we believe these objectives are critical to ensure that new waste infrastructure is delivered in line with sustainable development.

We are, however, concerned at the significant change in the definition of the proximity principle from that established in PPG 10 (Box 1) where proximity is applied to waste management in general. In paragraph 3 of the new draft proximity only applies to waste management. This change along with the removal of regional self-sufficiency (discussed below) sends a powerful message to the waste management industry that the long-distance transportation of recyclable material may be acceptable. While there is emphasis in the new draft on communities and regions having the responsibility for their own waste, this does not adequately clarify the uncertainty created by the new definition of proximity. While we recognise that there may be some exceptional circumstances where the transportation of a waste stream beyond the locality where it was generated is acceptable, it should be a general rule that waste is managed as close to its place of production as possible. As a result we strongly urge that PPS 10 adopts the formulation of the proximity principle progress expressed in PPG 10.

Community involvement

Friends of the Earth welcomes the emphasis given to the early involvement of the community (Para 3) and we would like to see this emphasized further in the Practice Guidance, not least in recognition of the emphasis given to the role of the community within the SEA process. Best practice must seek to convey the complex language and methodology of waste planning in an accessible way to allow meaningful participation from non-technical audiences.

Friends of the Earth
England, Wales and Northern Ireland
National Office 26-28 Underwood Street London N1 7JQ
Telephone 020 7490 1555 Fax 020 7490 0881 Email info@foe.co.uk Website www.foe.co.uk
Friends of the Earth Limited Registered in London No 1012357

Printed on paper made from 100% post-consumer waste

Cumulative and health impacts of waste facilities

We support the emphasis on the need for planning authorities to ensure that they consider the locational implications of health advice when determining planning applications (Para 27). [Consultation Q7]

We also support the need for planning authorities to consider the cumulative impact of previous waste disposal facilities on the well being of the community (Para 22).

BPEO

We remain unconvinced that Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) will adequately replace all the important principles and methodologies previously enshrined within BPEO. Our concerns fall into three principle areas:

- The loss of important policy principles enshrined in the BPEO concept.
- The potential uncertainty as to the systematic appraisal all of alternative options.
- The lack of clarity as to the relationship of SEA assessments to the principles of waste planning outlined in PPS 10.

BPEO principles

Our reading of the draft documents leads us to believe that most of the principles are retained either within PPS10 or SEA – that is, the waste hierarchy, the proximity principle, consultation with the community and the assessment of short and long term environmental impacts. We are looking for confirmation that this reading is correct. [Consultation Q2] However, we also have concerns that the principle of regional self-sufficiency has been lost. We are not convinced that the regional spatial strategy and local development documents will together achieve this principle unless it is captured within a national planning objective. [Consultation Q3]

While we recognize that the proximity principal has important relationships to regional self-sufficiency, draft PPS10 does not in our view emphasize the need for regions to take full responsibility for the vast majority of their waste streams. The absence of direct reference to regional self-sufficiency may be interpreted as allowing the substantial export of waste from regions experiencing rapid and high growth.

The systematic appraisal options

While the SEA process does provide for the strategic consideration of alternatives in the formulation of policy, there is a lack of clarity as to the level of detail and nature of this investigation. For example, the assessment of alternatives in waste planning decisions must consider not just alternative locations but alternative technologies and processes including waste reduction options. Only with this detailed level of information would it be possible to accurately assess waste management options against the objectives of PPS1. Because of the potential complexity of this methodology, best practice guidance must provide clear and specific methods, which enable systematic evaluation. These methods must also allow for the comparison of assessments across local and regional boundaries. Currently this level of detail is not contained within SEA guidance.

The relationship of SEA/SA assessment to the principles of PPS10.

One of the main advantages of BPEO was the integration of assessment methods with substantive policy principles. The replacement of BPEO with SEA/SA creates uncertainty as to the relationship between methods and principles because it attempts to amalgamate three separate sets of assessment processes and principles: SEA, SA and the principles in PPS10.

1. **Sustainability Appraisal** - Sustainability Appraisal is a policy assessment process which is vaguely defined and designed to relate local policy to the four pillars of sustainable development. It involves, in large measure, subjective judgments about the balance between environmental, social and economic objectives. As currently formulated, SA has little in common with BPEO and contains none of the substantive waste planning principles set out in PPS10.
2. **Strategic Environmental Assessment** - Strategic Environmental Assessment is a specific and detailed methodology of environmental assessment which allows for avoidance and mitigation. The SEA Directive requires that such information is tested against the objectives of the appropriate national, regional and local plan. We assume, therefore, that this is how data on the impact of a waste plan will be tested against concepts such as the proximity principle. This has not been made explicit in the consultation process so far. PPS 10 must make reference to this key relationship explaining how this carries forward the principles of BPEO.

While SEA might introduce helpful assessment criteria for waste developments, it applies only to strategies and plans. SEA would not cover the assessment of individual applications which fall outside plan allocations. (They would, if you like, be outside the SEA shield). Such applications would normally engage EIA regulations and result in, for example, the consideration of alternatives. In theory, all applications would then be assessed alongside the principles of the new PPS10. It is, however, vital to produce separate clear guidance as to how the output of the EIA relates to the principles in PPS10. For example we are concerned to note that the proximity principle is expressed as an important objective for planning ‘strategies’ and no longer for planning ‘decisions’, a broader application contained in PPG10. This change is open to misinterpretation and we suggest a return to the PPG10 formulation for the sake of clarity.

3. **PPS10 principles** - While SEA empowers the objectives outlined in PPS10 to be the key benchmarks in evaluating policy options, these objectives are not always adequately defined. For example the meaning of proximity has been left largely to the courts. In addition the SEA process empowers **all the principles** in PPS10 and not, as previously, those which were defined as part of the BPEO process (in Box 1 of PPG10). This does lead to more complex questions of the relative balance and meaning of these concepts in real decisions.

All of these issues place greater emphasis both on PPS10 to be clear about principles and methods; and on the Practice Guidance to provide workable detailed solutions. Because a draft of this guidance has not yet been released we are unable to judge if the new waste planning framework as a whole will be effective.

Sites emerging outside the development plan process

We have submitted (attached) a re-wording of paragraph 20 which we feel is necessary to ensure that the paragraph:

- makes clear that the issue of sites being brought forward outside the development plan process and the issue of need are related but separate points and should not be confused;
- ensures that guidance provides clear incentives to engage in the DP process by making clear that all applications must comply with local and national guidance; and
- makes clear that waste disposal proposals outside the development plan must not compromise the waste hierarchy.

Forecasting and allocation of waste tonnages

Friends of the Earth is very concerned that the requirement for regional planning bodies to make proposals for the tonnages of waste requiring management by WPAs and apportion waste (Paras 8-10) will result in ‘predict and provide’ approach to waste arisings. It might even result in over-provision of capacity on the part of regional authorities ‘to be on the safe side’. We seek assurance that the Government does not wish to see a regional authority prevent a WPA from progressively decreasing waste arisings or to propose a pattern of waste facilities that will lock a WPA into contracts that will constrain movement up the waste hierarchy. [Consultation Q5] Instead of suggesting that it would be unhelpful to “reopen consideration of... the annual rates of waste to be managed”, paragraph 13 should make provision for an ongoing dialogue between WPAs and the regional authorities about predicted waste arisings.

To support this, a more sophisticated analysis of the interface between waste planning and waste reduction should be included in PPS10. Although waste reduction does not require facilities per se, it does have an impact on the number of facilities that the planning system is required to deliver. Paragraph 12 should indicate how the implications of waste reduction will cascade (both upwards and downwards) through the forecasting and monitoring processes.

Provision of guidance

PPS10 Practice Guidance

Friends of the Earth sees the Practice Guidance accompanying PPS10 as a key document which will underline the importance of the planning objectives including the waste hierarchy, proximity principle, involvement of the community and assessment of alternative options. [Consultation Q10]

It is difficult to provide comments on Practice Guidance based on an outline only. However, in addition to the recommendations above on BPEO, we would like to see the Practice Guidance cover the following:

- Provide a strong context for the application of the proximity principle, so that this key planning objective is not marooned in Para 3 of PPS10. This context would include guidance on how regional authorities should allocate tonnages to WPAs and propose a pattern of waste facilities without jeopardising the planning objective of “ensuring that waste is disposed of as near as possible to its place of production”.
- Ensure that facilities – both on sites identified within the development plan and on sites which arise outside the plan - do not undermine movement up the waste hierarchy.
- Outline the role that global environmental impacts play alongside local environmental impacts in determining the pattern of waste facilities as well as determining planning applications (see comments below on SEA).
- Provide accessible information for lay audiences.
- An explanation of how life cycle analysis could inform the SA process, particularly the

assessment of resource use and greenhouse gas implications of waste management.

SEA waste guidance

In addition, Friends of the Earth would like to see specific guidance produced by the Government on SEA in relation to waste management. This guidance should:

- List the ‘environmental protection objectives’ that relate to waste and resource management.
- Put a stronger emphasis on consulting with the public during Phase B (page 25 of practical guidance on SEA). Although this is currently an option, we believe that, given the controversial nature of many waste facilities, the Government should recommend that involving the public during Phase B should be the norm.
- Include within the ‘test of soundness’ (for local plans) the process used to develop the plans, including the process used to generate alternative options. There is currently a lack of faith amongst community groups in the option-testing process used by number of waste planning authorities. This should also be cross-referenced with PPS10 Practice Guidance.
- Explain how binding the outcomes of the SEA process will be for decision making, to ensure that members of the community engaging in good faith will not see their efforts discounted at the final hurdle by decision makers.
- Make clear precisely how the provisions of article 5 in annex 1 of the SEA directive will be dealt with in practice in the assessment of waste policy. This should include, for example, detailed guidance on the collection of baseline data, the consideration of alternative sites and technologies, the scope of Health Impact Studies, and the provision of effective monitoring.
- Clarify whether the environmental impacts assessed by the SEA will include global impacts, including - but not limited to - climate change. Global environmental impacts should have a significant effect on waste management decisions; for example, recycling saves more energy than other waste management options as well as saving raw materials that are often sourced from countries outside the UK, including developing countries.
- Discuss the relationship between EIA for individual projects such as waste facilities and SEA for the plans that propose them i.e. local development documents.

Yours sincerely



Claire Wilton
Senior campaigner
Resource use and waste

Hugh Ellis
Planning Adviser
Rights and Justice Team

Suggested re-wording of Paragraph 20

20. Planning applications for sites and locations that have not been identified in a development plan document as suitable for waste management will need to be **rigorously** assessed against specific criteria that support the core strategy and ~~are consistent~~ **comply** with the objectives and policy in this PPS. These criteria should be set out in a development plan document.

20a Waste planning authorities should not ~~generally~~ necessarily require applicants for new waste management capacity to demonstrate a quantitative or market need for their proposal **particularly where such a proposal would encourage innovation in moving waste up the hierarchy**. However, in the case of waste disposal facilities, applicants ~~should~~ **must** be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy.