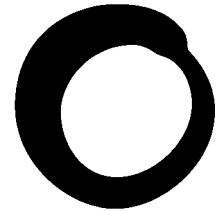


September 2009



**Friends of
the Earth**

Waste Development Frameworks

Friends of the Earth inspires solutions to environmental problems, which make life better for people.

Friends of the Earth is:

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- the most extensive environmental network in the world, with almost one million supporters across five continents and over 60 national organisations worldwide
- a unique network of campaigning local groups, working in over 200 communities throughout England, Wales and Northern Ireland
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About this guide

This guide aims to inform campaigners on how best to engage with the waste planning framework structure. It also provides a summary of Friends of the Earth's waste local planning policy.

Why is it important to participate?

Waste Development Frameworks are part of the complicated English planning system. You might even be thinking '*why bother?*' But the planning system will shape your local community and have a major impact on your environment and your quality of life. It is absolutely vital that you engage in the system to ensure that local development is driven by community needs and to ensure that the 'goods' and 'bads' are spotted and dealt with accordingly.

The most important thing to remember is that your local council should be the first point of contact if you have any queries about how the new system will work.

So what is the planning system?

The Planning and Compulsory Purchase Act 2004 set out a two tier planning structure:

- Regional Spatial Strategies (RSSs) replaced Regional Planning Guidance (RPG) in setting out policies relating to the development and use of land for each English region.
- Local Development Frameworks (LDFs) replaced structure plans, Local Plans and Unitary Development Plans.

Most of the changes to the system relate to making plans and writing policies and not to decisions on planning applications. The flow chart on page 5 gives you a picture of how the system fits together. It might look mind bogglingly complicated. Hopefully this guide will help to shed some light.

How is waste dealt with at the regional level?

The Regional Assembly is the Regional Planning Body (RBP), which prepares the RSS. The RSS provides a spatial framework for each region over a 15 to 20 year period including policies for housing, environmental protection, transport, agriculture, economic development and waste treatment.

The RSS replaced the previous Regional Planning Guidance (RPG) and unlike the RPG it has a legal weight. This means that local decision-makers must comply with the policies in the RSS unless there is an overwhelming reason not to.

The RSS should include a concise strategy for waste management – the Regional Waste Strategy (RWS). This strategy should include what pattern of waste management facilities there should be in the region, what tonnages of waste require management and the policies needed to support these.

Further information on RSS and RWS can be found in our publications (see section on '*further reading*')

- **Tackling Waste in the English Regions**
www.foe.co.uk/resource/briefings/tackling_waste_regions.pdf
- **Regional Spatial Strategy Policy brief**
http://www.foe.co.uk/resource/guides/rss_2nd_edition.pdf

And who deals with my dustbin?

Your rubbish and recycling bins are emptied by your waste collection authority - this is the council who bills you for council tax. The local civic amenity site, recycling centre or tip may be managed either by your waste collection authority (WCA), or more often your waste disposal authority (WDA).

County councils are waste disposal authorities. District councils are waste collection authorities. Unitary authorities have the roles of waste collection and disposal authorities combined.

And who does the planning about waste?

Waste planning authority (WPA) is the term for the authority in your area which has chief responsibility for planning for waste. It is usually the county council or unitary authority - in other words, the authority with responsibility for disposal (the WDA) rather than just collection. The WPA is responsible for drawing up the **Waste Development Framework** (previously called Waste Local Plans).

The timetable

Your WPA will have to produce a timetable outlining the process of developing the Waste Development Framework (WDF). This timetable will either be in a document called the Local Development Scheme or in a document called the Waste Development Scheme. WPAs will do different things – for example Bradford Metropolitan District Council has prepared one Local Development Scheme for their WDF, Mineral Development Framework and Local Development Framework, whereas North Yorkshire Council have prepared separate schemes.

The development scheme document will also lay out what documents will be prepared as part of the WDF. It will also explain whether these documents will be prepared jointly with other local authorities.

What exactly are Waste Development Frameworks?

Waste Development Frameworks (WDFs) are the ‘folder’ in which the Local Development Documents that relate to waste sit. It will essentially comprise of two main parts:

1. **Development Plan Documents:** including the Waste Core Strategy, waste site specific allocations, proposals map.
2. **Other Documents:** including the Statement of Community Involvement (SCI), the Waste Development Scheme (WDS), and Supplementary Planning Documents (SPD).

The Development Plan Documents need to conform to both national and regional policies. Therefore the most important documents to bear in mind are your region’s RSS and RWS, Planning Policy Statement 10, Planning Policy Statement 1 and the Government’s national Waste Strategy.

The WDF is reviewed annually and replaced every three years. The WDF will be subject to public examination. But it is up to the Local Planning Authority whether there is one public examination to examine the different frameworks (e.g. waste, minerals and local) individually or together. Supplementary Planning Documents (SPD) will be produced as and when, but be warned! You will be consulted on them but they will not be subject to public examination. An example of a SPD would be if the Local Planning Authority drew up guidance on waste minimisation.

How will you get involved?

The Statement of Community Involvement (SCI) will set out how your Local Planning Authority intends to achieve continuous community involvement in preparing development documents in their area. The Statement will set out what the Local Planning Authority will be seeking community involvement upon and how and when this will be sought. There are three questions which should be asked of a local SCI:

- Does it help people to know what is going on?
- Does it allow them to shape the decisions?
- Does it give them an opportunity to seek redress if the process lets them down?

Sustainability Appraisal

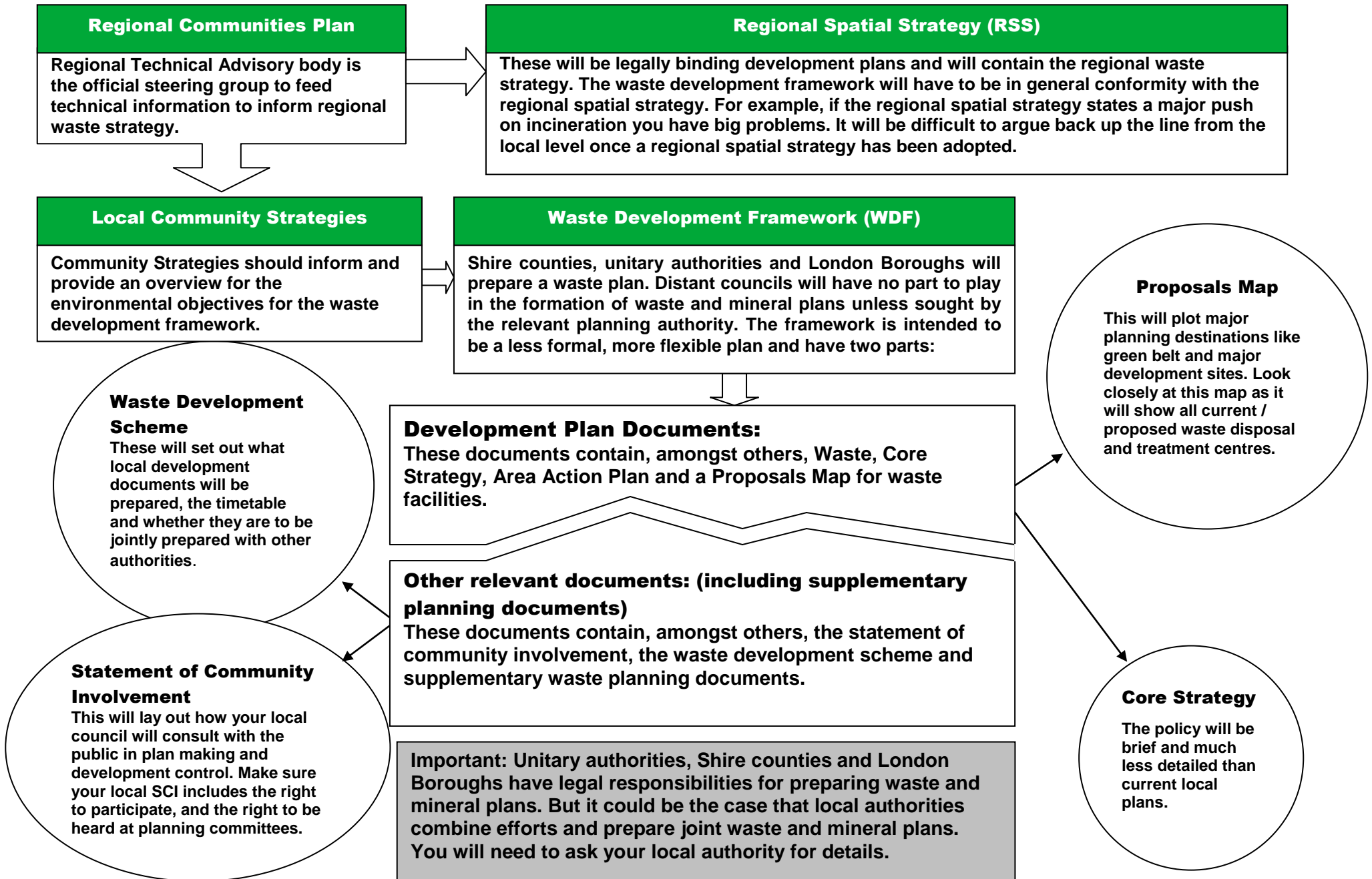
EU Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) to be carried out in respect of the various component parts of the Waste Development Framework. The Planning and Compulsory Purchase Act 2004 requires that a Sustainability Appraisal (SA), considering economic, social as well as environmental issues, be prepared in relation to the Development Plan Documents and the Supplementary Planning Documents in the WDF. Government guidance is that SAs should incorporate the full requirements of the SEA Directive.

For more information please refer to the Strategic Environmental Assessments briefing.

Public Examinations

All Development Plan Documents are subject to a public examination, where everyone who has made written representations has the right to turn up and be heard. The Inspector's report following the public examination will be **legally binding**. The examination will determine if the development plan document is 'sound'. This essentially means 'have people been properly involved and is policy clear concise and deliverable?'

Waste Development Frameworks



The WDF Preparation process in England

Stages of the Process	What you can do
Community Strategy – this is in conjunction with your local authority and the public. Its objectives form the basis of the Framework.	Ask your local authority how you can be involved in your local community strategy. Ask them about the Local Strategic Partnership which plays a key role in drawing up the community strategy.
Your local council will draw up a Local Development Scheme	<i>Get hold of a copy!</i> See 'A guide to Local Development Schemes'
Public participation on key planning issues	Make sure you take up all the opportunities for participation and help to encourage others to do the same.
Publication of an 'Issues Paper' for consultation	Use the WDF policies in this briefing to help you respond.
Full Draft Plan is placed on deposit	This is your opportunity to make formal representations to object or support policy. You must do this in order to be heard at the public examination.
Plan Public Examination	This is your only right to be heard in person or make written representations. See the Planning Inspectorate guide on soundness.
Inspector's report	The inspector has the final say.
Plan adopted	You can seek redress by a legal challenge which is known as Judicial Review.
Annual Monitoring report	Opportunity to begin lobbying for new policy and to point out success and failures that need to be addressed.
Annual Review and beginning of 3 year replacement cycle	Ask your local authority how you can be involved in the development of new policy.

Top tips on submitting responses to your waste planning authority:

1. Intelligence

In order to mount the best planning case you need to make sure you know about the WDF process early. You can find out about your WDF by:

- Checking the council web site
- Look at the Government's planning portal website www.planningportal.gov.uk
- Looking out for notices in libraries and community centres
- Checking the local press

- Talking to local councillors
- Write to your Council to say that you are interested in knowing more about the new WDF. Request that you are kept informed of everything to do with the WDF preparation.

2. Making good relationships

- It pays to be on good terms with your local authority planners.
- Always try to meet planning officers face to face to make them aware of your concerns. They will also be able to explain local policies to you.
- It is also worth building links with other community based organisations
- Talk to councillors too but understand their position at public meetings – getting angry with them may not help your case.
- Make sure that you have a good clear message for the media and public about the impacts that the proposed WDF policies will have - the local media love planning battles but you do not always want to be portrayed as being negative.
- Remember that this battle could be a long one so keep some good stories up your sleeve to keep the media interested.

3. Get them on their weakest points

- It is important to concentrate your fire in complex planning cases. Rather than trying to say something about everything in your draft WDF, you need to work out the key areas of concern and make them into powerful arguments.

Key supporting documents

- **English Planning system: an overview**
www.foe.co.uk/resource/guides/31_the_english_planning_sy.pdf
- **Statements of Community Involvement**
www.foe.co.uk/resource/guides/33_statements_of_community.pdf

What key policies should WDFs contain?

What follows are some key policies that your WDF should contain. It is not a comprehensive list of all areas that the WDF may cover but hopefully will be a useful guide to incorporating better environmental policies.

1. Sustainable development

Friends of the Earth believes that sustainable development should be at the heart of the future development of our society. It provides planning with its core purpose to enhance the quality of life of communities by promoting the highest quality forms of development in the most appropriate locations without compromising environmental limits. Such development should seek to promote social equity over private gain and the wise use of limited natural resources to protect the interests of future generations. We therefore suggest the following overarching policy statement be included in WDFs:

It shall be the principal objective of the WDF to ensure sustainable waste management which improves the quality of life of all people, while respecting environmental limits and the ability of future generations to enjoy a similar quality of life. In order to uphold this objective, all land use decisions must enshrine the principles of:

environmental justice: putting people at the heart of decision making, reducing social inequality by upholding environmental justice in the outcomes of decisions;

inter-generational equity: ensuring current development does not prevent future generations from meeting their own needs;

environmental limits: ensuring that resources are not irrevocably exhausted or the environment irreversibly damaged. This means, for example, supporting climate protection, protecting and enhancing biodiversity, reducing harmful emissions, and promoting the sustainable use of natural resources;

resource conservation: ensuring that planning decisions assist in the prudent and sustainable use of finite natural resources;

the precautionary approach: the precautionary principle holds that where the environmental impacts of certain activities or developments are not known, the proposed development should not be carried out, or extreme caution should be exercised in its undertaking;

the polluter pays: ensuring that those who produce damaging pollution meet the full environmental, social and economic costs;

the proximity principle, seeking to resolve problems in the present and locally, rather than passing them on to other communities or future generations.

Specifically on waste to support the above objectives your WDF should include the policies below which are enshrined in PPS10 (Planning Policy 10 Planning for Sustainable for Waste Management):

- The authority will encourage innovative policies, practices and technologies to deliver sustainable waste management – which has the waste hierarchy as its core.
- The authority shall plan for waste to be managed close to its place of production. The location of waste management facilities should take account of the origin of the waste arising, aiming to minimise the distance travelled.
- The authority will ensure that the cumulative impacts of waste facilities on the wellbeing of the community are considered when planning decisions are made.

Friends of the Earth propose that all policy packages including waste development frameworks are assessed against each of the elements of the main economic, social and environmental principles of sustainable development.

A first assessment of this sort has been done by Roger Tym and Partnership in a report for the South East England Development Agency (SEEDA), where they analysed the Aviation White Paper against 13 main criteria under these three principles. They assessed the White Paper using the following grid:

	Major negative impact	Negative impact	Neutral/no significant impact	Positive impact	Major positive impact
Environmental theme - Proposals reflect the fact that:					
We live within environmental limits?	✓				
Resources are limited		✓			
Biodiversity is limited		✓			
Social theme - Proposals' effects on:					
Health		✓			
Wellbeing		✓			
Social Cohesion		✓			
Social inclusion			✓		
Justice (effects on other, poorer societies)	✓				
Economic theme - Proposals ensure that:					
A strong economy is encouraged				✓	
Environmental and social costs fall on those who impose them	✓				
Efficient resource use is incentivised	✓				

Friends of the Earth advocate that:

- This assessment is used to determine whether policies or developments meet and integrate the 5 sustainable development principles.
- There is a strong presumption against any development, proposal or policy package which scores a “major negative impact” rating on any of the 13 economic, social or environmental criteria, to prevent damaging trade-offs.
- Policy should proactively help to bring forward more development proposals with multiple “major positive impact” ratings.

2. Location of Waste Management Infrastructure

Local Authorities are likely to use the sequential approach for the selection of waste management facilities, with the use of existing sites or existing industrial or derelict land being prioritised. But the most important policy to include about the location is that:

- Waste will be managed close to its place of production. The location of waste management facilities should take account of the origin of the waste arising, aiming to minimise the distance travelled.

And

- Accessibility of sites to rail transport should be a key factor in determining location and waste authorities should ensure by contract conditions that rail transport is used. It must be demonstrated why sites not accessible to rail have been chosen or contracts awarded where rail transport is not included.

On the whole Friends of the Earth welcomes the use of a sequential approach to site identification. While there is a general presumption for the reuse of existing sites for waste management, site selection should be carefully considered on a site by site basis and subject to rigorous environmental assessment. Where landfill has been used to restore mineral extraction sites in the countryside, the case for further use as a waste site may be poor in terms of the proximity principle, access to transport infrastructure and cumulative impact on nearby communities. In such cases, restoration of habitat and return to public amenity use may be preferable to continued use for waste management.

Specifically with regard to landfill the WDF should contain the following policy:

- Landfill sites should not be permitted that fall within 2 km of human habitation or that have a negative environmental impact on watercourses or aquifers.

3. Waste prevention

The local authority will support the progressive reduction of waste that requires disposal, leading to the region becoming a zero-waste region. To this end, the authority will:

- Adopt a target to reduce municipal waste by at least 1.5 per cent per year.
- Identify and disseminate examples of good practice encouraging public sector organisations, businesses and households to reduce waste.

4. Recycling and composting

The WDF should require that the authority will adopt the following policies that promote the recycling and composting of all waste streams in order to drive waste management up the hierarchy:

- Priority will be given to initiatives and facilities which will encourage and promote waste reduction and the reuse of materials and products, thereby addressing waste as a resource and driving waste management up the hierarchy.
- The need to consume new resources will be minimised by planning for the capture of maximum material value from the waste streams generated locally, before planning for the capture of energy value from waste.
- Local authorities are encouraged to set up 'closed loop' recycling systems. For example,

where waste paper generated by local businesses is recycled into office paper that is then re-used by those businesses; or where household garden and kitchen waste is composted and sold back for use in the garden.

- The resource benefits of composting in terms of its creation of humus in soil will be taken into account in planning decisions.

For municipal waste:

- The authority will achieve a recycling and composting rate of at least 70 per cent by 2015 and 80 per cent by 2020.
- No waste management contract longer than 5-10 years would be entered into, as it would lock the authority into a requirement to deliver municipal waste to landfill or energy from waste.
- No recyclable or compostable waste will be disposed of to landfill or incineration by 2020.

5. Energy from waste

The WDF should contain policies that support the up take of anaerobic digestion as a technology to produce energy from the source separated biodegradable proportion of the waste stream. This is a form of energy from waste that is truly renewable.

However, there should be policies in the WDF that make a presumption against residual waste going to waste incineration.

- Waste incineration without both heat and electricity generation will not be permitted.

6. Residual waste

Friends of the Earth considers “residual waste” to be the limited amount of waste that remains after an intensive waste reduction, reuse and recycling programme. This still requires treating and the quantity of this waste will reduce over time, therefore ruling out large and inflexible technologies such as incineration.

In planning for residual waste management, waste planning authorities should ensure that:

- Firstly, any remaining recyclable waste should be removed (e.g. metals, plastics, some paper).
- Secondly the small amount of waste remaining after this should be composted or anaerobically digested and, unless sufficiently clean to be used as compost, should be disposed of to landfill (as the disposal route with lowest environmental impacts for this waste).
- These processes should occur in small, localised treatment plants.

7. Climate change

Waste management is intrinsically linked to climate change. Therefore the assessment of the impact of greenhouse gas emissions from waste management options must be embedded in the SEA process:

- Waste planning authorities must take climate change impacts into account when planning for sustainable waste management and determining planning applications.
- Proposals that would result in significant increases in CO2 emissions will not be permitted.

8. Waste and renewable energy

Friends of the Earth believes that in the future, certain clean source-separated portions of the biodegradable fraction of municipal waste (e.g. woody wastes) may be used to generate heat and electricity in suitably sized biomass generators, where it can be demonstrated that recycling or composting are not better options in environmental terms.

9. Development design

New building design and layout can contribute to effective waste management. Specific provision should be made for space to allow for the separation and collection of waste, whether it is a housing development, employment, retail, leisure or mixed use:

- Development plans should require that all developers provide appropriate space to facilitate storage, re-use, recycling and composting of waste.
- During the construction of developments, recycled construction and demolition wastes should be used and the waste produced should be minimised.
- Development plans should require the use of recycled construction and demolition waste in construction projects.

10. Hazardous waste

The authority will need to consider how to manage any hazardous waste that arises from the area. They should therefore adopt the following policy:

- An analysis of the composition of hazardous waste arising within the area will be undertaken, and provision made for the waste transfer and treatment facilities whose emphasis will be on reuse, recycling and biodegradation; and, where the need for disposal is essential, this should only occur by means of a dedicated hazardous waste facility.

Further information and guidance:

Friends of the Earth – Tel: 020 7490 1555
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www.foe.co.uk

Planning

planning@foe.co.uk
www.YourPlanningRights.co.uk

Right to Know

right2know@foe.co.uk
www.RightToKnowOnline.org

Rights and Justice Centre

legal@foe.co.uk

Useful web sites

Government

Audit Commission www.audit-commission.gov.uk

Department for Communities and Local Government www.communities.gov.uk/

The Planning Inspectorate www.planning-inspectorate.gov.uk/

Environment Agency www.environment-agency.gov.uk/

Environment Agency Public Registers www2.environment-agency.gov.uk/epr/

Information Commissioners Office www.ico.gov.uk

Neighbourhood Statistics www.neighbourhood.statistics.gov.uk

The Planning and Compulsory Purchase Act 2004
www.legislation.hmso.gov.uk/acts/acts2004/20040005.htm

Planning Portal www.planningportal.gov.uk

Non Governmental Organisations (NGOs)

Air Quality – UK National Air Quality site www.airquality.co.uk

Campaign to Protect Rural England planning site www.planninghelp.org.uk

Environmental Law Foundation www.elflaw.org/

Liberty www.liberty-human-rights.org.uk/

Neighbourhood Initiatives Foundation www.nif.co.uk/

Planning Aid www.planningaid.rtpi.org.uk

Wildlife and Countryside Link www.wcl.org.uk

Specific reading

PPS 1: Creating Sustainable Communities

www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement1

PPS 10: Planning for sustainable waste management

www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/mineralsandwaste/wastemanagement/pps10/

PPS 12: local development frameworks

www.communities.gov.uk/planningandbuilding/planning/regionallocal/localdevelopmentframeworks/pps12/

Planning Inspectorate guide to local development frameworks

www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm

Planning Inspectorate guide to soundness

www.planning-inspectorate.gov.uk/pins/appeals/local_dev/Soundness_of_DPD.htm#guidance

Friends of the Earth documents:

Community Rights Resource Pack

www.foe.co.uk/campaigns/fair_future/resource/rights_resource_pack.html

Local Government set up guide

http://community.foe.co.uk/resource/how_tos/cyw_28_new_local_govt.pdf

Statement of Community involvement guide

www.foe.co.uk/resource/guides/sci_local_authority_guide.pdf

A guide to Local Development Schemes

www.foe.co.uk/resource/briefings/a_guide_to_local_developme.pdf

Tackling Waste in the English Regions

www.foe.co.uk/resource/briefings/tackling_waste_regions.pdf

Regional Spatial Strategy Policy brief

www.foe.co.uk/resource/briefings/regional_spatial_strategy.pdf

Strategic Environmental Assessments briefing

www.foe.co.uk/resource/guides/strategic_env_assessment.pdf

Friends of the Earth's other briefings on waste can be found at

<http://www.foe.co.uk/campaigns/biodiversity/resource/campaigners.html>