

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE
16 OCTOBER 2006**

**REPORT ON: DRAFT SCOTTISH PLANNING POLICY 10: PLANNING FOR
WASTE MANAGEMENT**

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 537-2006

1 PURPOSE OF REPORT

- 1.1 To seek the Committee's agreement to a response to the Scottish Executive's consultation on Draft Scottish Planning Policy 10: Planning for Waste Management.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee agrees that the Appendix to this report be forwarded to the Scottish Executive as the City Council's response to the consultation on Draft SPP10.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 SUSTAINABILITY POLICY IMPLICATIONS

- 4.1 The report supports the following Sustainability Policies:

.COMPLIANCE WITH ENVIRONMENTAL LEGISLATION

- Ensure compliance with relevant environmental legislation and related policy guidance and, where appropriate, seek to exceed minimum standards and targets so that Dundee continues to be at the forefront of environmental excellence.

ENERGY AND WATER

- Reduce the consumption of energy and fossil fuels in Council properties and activities to reduce CO₂ emissions in response to wider climate change obligations.
- Promote energy efficiency systems and explore innovative energy technologies that increase the proportion of energy from renewable sources.
- Use water efficiently and maintain the quality of drinking and bathing water.

WASTE MANAGEMENT

- Promote sustainable waste management practices by developing systems that will control waste generation and reduce the environmental impacts of waste production;
- Improve resource efficiency through re-use and recycling and maximise economic opportunities arising from waste.

MINIMISING & REMEDIATING POLLUTION

- Minimise the impact of Council activities on air and water quality and adopt measures to reduce noise intrusion.

5 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications.

6 BACKGROUND

6.1 The Scottish Executive has invited comments on Draft Scottish Planning Policy 10: Planning for Waste Management (SPP10). In its final form the document will replace NPPG10, the current national planning policy guidance on waste management which was published in 1996. SPP10 will form part of the drive to achieve more sustainable waste management in Scotland. It aims to do this by providing guidance to planning authorities to assist their contribution to achieving the objectives of relevant EC Directives, the National Waste Plan and individual Area Waste Plans.

6.2 The need for the policy review appears to have been driven, at least in part, by the failure of certain planning authorities to take account of waste management infrastructure needs in their local plans. The document highlights the important role of planning authorities in identifying and safeguarding sites to accommodate the infrastructure which will be required to ensure that national targets and objectives on waste management, are met. Against this background, it should be noted that a report compiled on behalf of the Scottish Executive in 2005 indicated satisfaction with the City Council's approach to waste management matters in the Dundee Local Plan Review.

7 CONSULTATIONS

7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Assistant Chief Executive (Community Planning) and Head of Waste Management have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

8.1 None.

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APPENDIX 1

KEY PROVISIONS

Draft SPP10 outlines some of the main changes to the planning system which will result from the Planning Bill which is currently being considered by the Scottish Parliament. It notes that the revised system will seek to address the problems in delivering infrastructure by improving the performance and management of development planning. This appears to imply that the planning system has in the past been an obstacle to the delivery of waste management infrastructure.

However, this has not been the experience of Dundee City Council. A number of waste management related planning proposals in Dundee have, over the years, been progressed satisfactorily through the planning system. By contrast, there has been ongoing uncertainty and a protracted timescale associated with the process of allocating funding to local authorities from the Scottish Executive's Strategic Waste Fund. This is being pursued in the context of the Strategic Outline Case submitted jointly on behalf of the Tayside local authorities to the Scottish Executive. The situation has contributed to delay in providing for the strategic waste management infrastructure required to achieve the targets set out in the National and Area Waste Plans. At present, there is no confirmation from the Scottish Executive of the funding likely to be available for the provision of such infrastructure nor of the specific projects which it will be prepared to support. Until these issues are resolved, local authorities will find it difficult to make significant progress in delivering this infrastructure.

Much of the content and guidance of Draft SPP8 is already fairly familiar and is reflected in the Dundee Local Plan Review. For example, it highlights the new generation of installations which will be needed to manage future waste arising in a more sustainable way. It also defines the roles of both SEPA and the Scottish Executive and distinguishes between the waste planning and regulatory role of the former and the role of the latter in relation to development planning.

The document emphasises the need to guide developments to the most sustainable locations and points to the need for development plans to undergo strategic environmental assessment (SEA). It also confirms the need for future Area Waste Plan reviews to be subject to the SEA process. However, there is a need to clarify to what extent this might obviate the need for subsequent development plans to subject their waste management policies to SEA. This is on the basis that they will reflect the provisions of Area Waste Plan reviews which have already themselves been subject to SEA. It could be argued that only the locational and siting aspects should be addressed by the development plan SEA since the other elements have already been addressed in the Area Waste Plan Review's SEA.

The importance of engaging with communities when planning for waste infrastructure is highlighted by the guidance. Early pre-application consultation will be expected or required under the revised planning system and is seen as important in building consensus for such developments. While the value of consultation is not disputed, the Scottish Executive should recognise that, given their nature, it will not always be possible to secure consensus on major new waste management developments. It is also the case that consultation exercises can involve significant timescales and this may conflict with the Executive's desire to see speedier decisions on major development proposals.

While indicating the proximity principle (waste should be handled as close as possible to source), the guidance recognises the need to consider buffer zones for certain facilities, e.g. outdoor composting sites and landfill sites. However, there is an absence of guidance on the environmental issues raised by other more recent and emerging types of waste management infrastructure and the kinds of safeguards which might be appropriate to these. Examples could include energy from waste plants, in-vessel composting facilities and materials recovery facilities.

The guidance sets out the factors which should be taken into account in defining areas of search for new waste management infrastructure and in assessing specific sites. Clearly, it is important that development plans provided locational and, where appropriate, siting guidance for the new infrastructure. However, with the ongoing uncertainty regarding the funding and specific nature of the strategic elements of Area Waste Plans (see para 7.2 of the attached Committee report), planning authorities may find it difficult to make suitably specific provisions for these projects in their development plans.

A model policy for incorporation in development plans is presented for comment in the guidance. This will be finalised in the light of consultation responses. Put briefly, it indicates that allocations for waste management installations will generally be acceptable on existing or planned employment and industrial land. It goes on to confirm they will specifically be accepted on Class 5 general industrial land (subject to safeguards) and in the case of waste transfer stations on Class 6 storage and distribution land. While the policy is broadly acceptable, it is felt that the wording indicating that employment land could be seen as "generally acceptable" for these developments may be too open ended. It could give rise to the expectation that high amenity employment land (e.g. business and technology parks) could also be considered.

CONCLUSIONS

In general terms there is much that is already familiar in Draft SPP8. Much of its advice on the role and requirements of the planning system in relation to waste management is already reflected in other documents (National Waste Plan, Area Waste Plan, other national guidance, etc). However, the presentation of such advice in SPP form will presumably lend it greater weight in a land use planning context and strengthen its status as a material consideration when assessing planning applications.

Dundee City Council has already implemented key aspects of the advice presented in draft SPP8 through its handling of waste management matters in the Dundee Local Plan Review. However, the continuing delay and uncertainty surrounding the funding of strategic waste management infrastructure is a matter of concern. This may have a greater bearing on the timing of strategic waste infrastructure provision in Dundee than any delays associated with the planning process.