



Office of the
Deputy Prime Minister

Creating sustainable communities

*Planning Policy Statement 10:
Planning for Sustainable Waste
Management
Strategic Environmental Assessment
(SEA)*

Statement under Regulation 16 of the
Environmental Assessment of Plans and
Programmes Regulations 2004



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Introduction and background

1. Government has published Planning Policy Statement 10 (PPS10) *Planning for Sustainable Waste Management*. PPS10 forms part of the Waste Management Plan for the purpose of Article 7 of the Waste Framework Directive (Directive 75/442/EEC). As such, it falls within the requirements of the Strategic Environmental Assessment (SEA) Regulations¹ (“the Regulations”).
2. A draft of PPS10 was consulted on between 6 December 2004 and 11 March 2005. An Environmental Report (ER), prepared under the SEA Regulations, accompanied the consultation document. This is available on the Office of the Deputy Prime Minister’s (ODPM) website². The scope of the ER took into account comments received from the statutory consultation bodies. These bodies were consulted on the proposals in October 2004. A report of consultation on PPS10 was published on 15 June 2005 and is also available on the ODPM website.
3. PPS10, and accompanying practice guide³, are available on the ODPM website. Copies are available for inspection, by appointment Monday to Friday (between 0900 and 1700), at the Office of the Deputy Prime Minister, Minerals and Waste Planning Division, Eland House, Bressenden Place, London SW1E 5DU. Appointments can be made via telephone to Brian Freeland (020 7944 4400).

Integration of environmental considerations into PPS10

4. Environmental considerations are integral to PPS10 because of the overriding expectation of waste policy and, in particular, the requirements that derive from the EU Waste Framework Directive. Environmental considerations are also a key aspect of the sustainable development objective set out in Planning Policy Statement 1 *Delivering Sustainable Development*⁴.
5. The EU Waste Framework Directive and a series of specific daughter directives, covering particular waste topics, affect the management of waste. Central to these directives is the objective of protecting human health and the environment. In particular, Article 4 of the Waste Framework Directive requires “Member States shall take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular without:
 - (i) risk to water, air, soil and plants and animals,
 - (ii) causing a nuisance through noise or odours,
 - (iii) adversely affecting the countryside or places of special interest.

1 The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633).

2 http://www.odpm.gov.uk/stellent/groups/odpm_planning

3 Forthcoming.

4 Paragraphs 17-22 in particular.

6. By referring to human health as well as the environment, the Waste Framework Directive effectively identifies all of the potential receptors listed in the EIA Directive (on the assessment of the effects of certain public and private projects on the environment – Directive 85/337/EEC amended by 97/11/EC), and the SEA Directive (on the assessment of the effects of certain plans and programmes on the environment – Directive 2001/42/EC). These receptors are set out in Annex I(f) to the SEA Directive, and they are: “... biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors.”
7. These objectives have underpinned the development of PPS10. They are reflected in the key planning objectives, within the PPS. The key planning objectives are required to be reflected in regional spatial strategies and local development documents.
8. Section 39 of the Planning and Compulsory Purchase Act 2004 requires that regional planning bodies and local planning authorities exercise their strategy and plan making functions in a way that contributes to the achievement of sustainable development. To help apply this requirement, regional spatial strategies and local development documents are required to undergo sustainability appraisal in order to test the performance of the plan against sustainability objectives. For the planning system sustainability appraisal incorporates the requirement of the SEA Directive. Sustainability thinking has been central to the development of the PPS and is reflected in the key planning objectives and decision-making principles.

Taking into account the Environmental Report

9. Schedule 2 of the Regulations sets out information to be contained in the ER. Regulation 12(3) allows for the inclusion of information in Schedule 2 “as may reasonably be required, taking account of...
 - (a) current level of knowledge and methods of assessment;
 - (b) the contents and level of detail in the plan or programme;
 - (c) the stage of the plan or programme in the decision-making process; and,
 - (d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.”
10. Regulation 12(3)(b) and (d) are of particular relevance to the level of detail appropriate to the ER supporting the consultation draft of PPS10; including the baseline considered, the number of options considered and the number and type of objectives, targets and indicators recommended. The constraints are explained in detail in the ER.
11. The ER was taken fully into account preparing the consultation draft of PPS10; and, in finalising the PPS in the light of comment arising from the ER, in particular:
 - in adding Annex E which provides locational criteria to inform the consideration of site and area suitability. These criteria are more detailed than those provided in the consultation draft and include criteria relating to additional environmental concerns deriving from Schedule 2 of the Regulations;

- in widening the expectations of monitoring so as to include relevant contextual indicators;
- in clarifying the relationship between waste planning and pollution control regimes to enable more effective protection of the environment.

Taking into account the views from consultees

15. The formal consultation on PPS10 was launched on 6 December 2004 and closed on 11 March 2005. The consultation included, but extended beyond, the consultation bodies and public consultees thought to have a specific interest⁵. For example, the Office commissioned and attended four regional consultation workshops in Leeds, Bristol, Stafford and London early in 2005. The workshops were attended by approximately 150 practitioners and provided an opportunity to hear questions and views on the draft policy and the other elements of the consultation package. These workshops were supplemented by specific consultation meetings with key stakeholders (including from the consultation bodies) and officers attending, and providing presentations to, conferences and seminars on draft PPS10. By the end of the consultation period ODPM had received 160 responses from a range of stakeholders. A summary is on the ODPM website.

Consultation responses

16. Overall, there was support for the new approach set out in draft PPS10, both in general and in detail. Consultees were particularly supportive of:
- the key planning objectives and the decision-making principles;
 - the plan-led approach with plans required to implement the key planning objectives in PPS10, in line with the decision-making principles;
 - the application of integrated sustainability appraisal, incorporating SEA, to plans and strategies in place of a specific requirement for the Best Practicable Environmental Option (BPEO);
 - integration of waste planning with other spatial planning concerns, and stronger integration between waste planning and municipal waste management strategy planning;
 - the clarity on, and respective, roles in waste planning proposed for regional spatial strategies and local development documents;
 - local development documents being location-specific; and,
 - the overall emphasis on monitoring and review.

⁵ No transboundary consultations were carried out with other Member States. PPS10 is planning policy for England. Implementation in line with the policy set out in PPS10, and in particular the “key planning objectives” and “decision-making principles” with their emphasis on providing sufficient opportunities to meet the identified needs for waste management for all waste streams, would not have any significant effects on the environment in another Member State.

17. Concerns were raised on a number of matters, mostly on the detail of the draft policy. These are set out in the report of consultation. These concerns can be broadly grouped as follows:

- concern that the full implementation of the policy would take a number of years and that, as a result, it would not enable critical targets to be met, such as those relating to the diversion of biodegradable municipal waste away from landfill as required by the Landfill Directive.

Comment – the approach set out in PPS10 makes good use of the new planning framework provided by the Planning and Compulsory Purchase Act 2004 and will be subject to the expected timescales for updating regional strategies and local plans. There is increased clarity on the roles of regional planning bodies and waste planning authorities with a clear expectation of timely decision-making. Community concerns will be addressed at a much earlier stage. Without the new PPS10, regional planning bodies and local authorities would have to incorporate considerations of waste management into their regional spatial strategies and local development frameworks, but would have to do so with only limited up-to-date policy guidance. Whilst some would almost certainly do the work at an appropriate level of detail and with the correct coverage, others may do too little (increasing the possibility that their plans and strategies would cause delay). The lack of a consistent approach would highlight different approaches between areas which could itself trigger unproductive and wasteful litigation and cause delay.

- concern about the transition from the policy in Planning Policy Guidance Note 10 (PPG10) to that in PPS10, in particular on the application of BPEO.

Comment – Planning Policy Statement 12 (PPS12) *Local Development Frameworks* provides guidance on the transition from old-style ‘local plans’ to the new local development documents. Additional policy (paragraphs 5, 22-23) has been added to PPS10 to address this matter:

“... in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan. 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*⁶.” and “... Development plans form the framework within which decisions on proposals for development are taken. It is important that plans are kept up-to-date and properly reflect national policy. When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.

⁶ Office of the Deputy Prime Minister (January 2005) *The Planning System: General Principles*.

- concern about the ‘loss’ of BPEO.

Comment – the tenets that underlie BPEO will be delivered in spatial planning through plan-led strategies that drive waste management up the waste hierarchy. These strategies, at both the regional and local level, will be subject to sustainability appraisal and set within the community engagement that is central to the reformed planning system. Similarly, local authorities developing municipal waste management strategies should undertake strategic environmental assessment, combined with a thorough assessment of social and economic factors

- concern about the requirement for local development documents to be consistent with regional spatial strategies and resulting ‘top down’ prescription.

Comment – the requirements for, and policy on, the integration of local development documents with regional spatial strategies is set out in Planning Policy Statement 11 (PPS 11) *Regional Spatial Strategies* and PPS12. As envisaged by the policy in PPS10, the preparation and development of a strategy for waste management in the regional spatial strategy is an inclusive process, involving and building on local level strategies.

- concern about the categories of waste for which apportionment would be required.

Comment – the policy in PPS10 expects planning strategies, regionally and locally, to address waste management needs for all relevant waste types. Apportionment is focused on municipal and commercial and industrial waste sectors because this is where data is most readily adapted and where apportionment to waste planning authorities adds most value. In response to concerns from consultees it was accepted that construction and demolition waste were less appropriate for apportionment because it was ‘lumpy’ both spatially and temporally.

- Concern about the suggested approach to the identification of sites and areas for waste management, particularly about the application of the proposed search sequence.

Comment – the ‘search sequence’ for plan preparation in PPS10 has been redrafted in the light of consultation responses. The modification, in particular, addresses concerns about undue rigidity but maintains the focus on site suitability and the preference for using previously-developed land before Greenfield sites.

- Concern about the quality of data and information to support the development of waste strategies, regionally and locally. Criticism focused on the perceived inadequacy and inconsistency of current data resources.

Comment – it is accepted that data on waste has historically been poor. However, this is improving with good data available now on municipal wastes, through the Waste Data Flow system, and hazardous wastes, through Environment Agency systems. For other waste streams, work driven by Defra’s Waste Data Strategy with the Environment Agency will lead to dramatic improvements in the availability of waste data. Advice on how to make good use of available data is a key part of the practice guide prepared to support PPS10. Additionally, Defra has announced they will publish periodic advice on waste arisings and that they expect to do so for the first time before the end of 2005.

Responses on the Environmental Report and its Non-Technical Summary

18. The consultation document supporting draft PPS10 included a number of questions for consultees, including one specifically on the ER:

Q14. The development of PPS10 is supported by an Environmental Report. The non-technical summary is included in this consultation document. Are the right impacts addressed?

If not what is missing, and why?

Proposal	Agree	Disagree	No specified response
Q14	21%	9%	71%

19. The majority of consultees did not respond to this question. Of those that did respond, the majority agreed that the right impacts had been addressed in the non-technical summary. The comments of those that disagreed are summarised in the report of consultation. These concerns can be broadly grouped as follows:

- the scope of the ER objectives, targets and indicators, used to identify and measure the significant environmental effects of the PPS and the level of detail applicable to the impacts covered.

Comment – national policy in PPS10 sets out the framework under which regional planning bodies, waste planning authorities and local planning authorities must prepare regional spatial strategies and local development documents. This national framework is pre-determined by either legislation (notably the Waste Framework Directive), national waste policy (notably Waste Strategy 2000⁷), or the planning system under the Planning and Compulsory Purchase Act 2004. Regional spatial strategies and local development documents will determine the spatial development and therefore likely significant impacts on the range of environmental issues. It is therefore possible that some particular effects at the regional or local level have not been identified in the ER. These would be expected to be identified and appraised when the decisions relating to the spatial impacts of the policies underlying PPS10 are implemented through regional spatial strategies and local development documents, and subjected to sustainability appraisal incorporating the requirements of SEA.

There were additional objectives and associated indicators and targets suggested by the statutory consultation bodies. These centred on the impacts of waste management on sensitive wildlife habitats and species, areas of high landscape quality, historic artefacts, groundwater and soil, and human health. Had suitable indicators been available they would have been used. However, it was decided that including currently available indicators on (for example) overall biodiversity or soil contamination in general would not be helpful, because it would be unrealistic to conclude that any particular change (either positive or negative) in such indicators would be attributable to PPS10 or not.

⁷ As amended.

- without a completed practice guide it was difficult to assess the full impact of the PPS.

Comment – the policy framework, and hence expected outputs and outcomes, is set by PPS10. The practice guidance supports the policy framework and does not add to it.

Reasons for choosing the plan or programme as adopted

20. The ER identified and described the effects of the two realistic options in the context of the underlying reform to the planning system; do nothing, leaving PPG10 in place, or replace PPG10 with PPS10. A summary of the environmental implications of these options is as follows.

Option 1: do nothing

21. European directives on waste are driving a major change to the way that waste is managed in England. A number of directives collectively promote the better management of waste through measures to protect human health and the environment, including more reduction, recycling and recovery of waste and the disposal of waste as a last resort. Reliance on waste disposal, particularly landfill disposal, in England has to change with a consequent need for new, more sustainable, waste management facilities.
22. The precise number and nature of the waste management facilities that are required is unknown, and will depend on decisions on the type of technology and scale of management. However, estimates from industry and others⁸ suggest that there will be a need for thousands of new waste management facilities over the next 15 years. It is expected that most of these extra facilities will require a new planning permission. The planning system, and the national planning policy that guides it, is therefore pivotal to both the adequate and timely provision of the new waste facilities that are needed and securing the expected environmental outcomes.
23. There would be considerable risks associated with not publishing PPS10. Without clear and up-to-date waste planning policy from Government, there is a significant risk of planning failing to facilitate the timely provision of sufficient new waste management facilities, new investment being delayed and sub-optimal environmental outcomes.
24. There are no environmental benefits evident in Option 1. Indeed, without a clear statement of waste planning policy which allows planning to play its role in facilitating the delivery of new waste management facilities of the right type, in the right place and at the right time there is a significant risk that waste management will remain at the bottom of the waste hierarchy. The effect of this will be to increase the environmental impact of waste management globally and locally.

⁸ Environmental Services Association (2004) *Land Use Planning for Sustainable Waste Management: how the UK can become more resource efficient*; The ICE's (2004) State of the Nation Report said that up to 2,300 new waste management facilities would be required over the next 16 years and delivering them would need improvements to the planning process; Composting Association (2004) *Comments by the Composting Association on the Granting of Planning for Composting Facilities in England: submission to ODPM and Defra*; SSERA (2004) "Can the waste planning system deliver" said the evidence in the South East suggested that facilities required to meet statutory targets would not be delivered in time without changes to the planning process.

Option 2: publication of PPS10

25. The environmental benefits of Option 2, the proposed course of action, would arise from the more effective application of policy for protecting the environment. It will help move waste management up the waste hierarchy benefiting the environment globally (through, for example, the reduction in the sectors contribution to greenhouse gas emissions) and locally through reduced risk to human health and the environment. This should reduce the effect of waste management on the environmental concerns described in Schedule 2 of the Regulations.

The option chosen

26. The SEA process, the ER and the consultation on the draft PPS10 indicated that no significant undesirable environmental effects were likely to arise from the proposals in the consultation draft of PPS10. The consultation draft has been revised in the light of comments received from consultees and reflecting the ER. Changes to the draft have been relatively minor, concentrating on clarification and adding further detail where necessary, rather than wholesale change to the proposed policy process and outcomes expected.
27. It has been decided to publish PPS10.

Monitoring the significant environmental effects of PPS10

28. ODPM intends to monitor and review the effects of PPS10, in line with its overall approach to evaluating the implementation and effectiveness of planning policy. Policy in PPS10 will be supported by research to:
 - (i) assess the effectiveness of implementation through the planning process; and,
 - (ii) evaluate the effectiveness of the policy in delivering its objectives, including the environmental objectives set out as “Key Planning Objectives”⁹.
29. Assessing the effectiveness of the implementation of the policy is likely to take place within two years of publication, whilst evaluation of the effectiveness of the policy will be best commenced within 3 to 4 years of publication.
30. Policy in PPS10 underlines that effective monitoring and review is essential to securing sustainable waste management. Regional and local monitoring is encouraged to focus on the key actions and outcomes that underpin delivery and on contextual indicators that measure changes with direct bearing on an agreed strategy. As a minimum, it is expected that monitoring should include changes in the stock of waste management facilities; waste arisings; and, the amounts of waste recycled, recovered or going for disposal. Practice advice is provided in the practice guidance.

⁹ See paragraph 3 of PPS10.

31. This monitoring will be part of the broader monitoring expected from regional planning bodies and local planning authorities to measure changes in the wider socio-economic and environmental context against which regional and local planning strategies are implemented. This monitoring will include the significant effects of implementation¹⁰ and may reveal changes that in part have been caused by planning strategies. This monitoring will inform the annual monitoring reports to be prepared and published by regional planning bodies and waste planning authorities. These reports, together with the indicators that support the UK Strategy for Sustainable Development, the annual Municipal Waste Management Survey and other relevant statistics on waste management collected nationally¹¹ will inform the monitoring and evaluation programme set out in paragraph 28.

¹⁰ See ODPM guidance on SEA, sustainability appraisal and monitoring regional spatial strategies and local development frameworks.

¹¹ See Defra website, in particular:

- <http://www.defra.gov.uk/environment/statistics/waste/index.htm>
- <http://www.sustainable-development.gov.uk/performance/indicatorsindex.htm>