



Department for  
Communities and  
Local Government

# Updated national waste planning policy: Planning for sustainable waste management

Determination under regulation 9 of the Environmental  
Assessment of Plans and Programme Regulations 2004

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## **Updated national waste planning policy: Planning for sustainable waste management**

### **Determination under regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004**

#### **Introduction**

1.1. This statement sets out the Secretary of State for Communities and Local Government's determination under regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 2004 Regulations) on whether or not a strategic environmental assessment is required for the proposed update of national waste planning policy, *Planning for sustainable waste management*. The 2004 Regulations transpose Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the Strategic Environmental Assessment Directive). The updated policy is intended to replace existing national waste planning policy contained in Planning Policy Statement 10: *Planning for Sustainable Waste Management*, published in July 2005 and revised in March 2011.

#### **Strategic Environmental Assessment**

2.1 Under the requirements of the Strategic Environmental Assessment Directive and the 2004 Regulations, certain plans and programmes that set the framework for the future development consent of projects require a strategic environmental assessment. In some cases, the requirement is automatic because the plan or programme is prepared for certain purposes, or requires assessment under the Habitats Directive (92/43/EEC). This is subject to exceptions for plans or programmes that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects. In other cases, strategic environmental assessment is required only if the plan or programme is likely to have significant environmental effects.

2.2 As was the case with the preparation of Planning Policy Statement 10, the Secretary of State considers that the proposed update of national waste planning policy would be a plan or programme for the purposes of the Strategic Environmental Assessment Directive and 2004 Regulations.

2.3 Under regulation 9(1) of the 2004 Regulations, the Secretary of State must determine if a plan, programme or modification of a plan or programme which is within the scope of the Strategic Environmental Assessment Directive/2004 Regulations is likely to have significant environmental effects. Where the Secretary of State determines that the proposal is unlikely to have significant environmental effects (and, accordingly, does not require a strategic environmental assessment), then under regulation 9(3) he must prepare a statement of reasons for this determination. **This statement is the Secretary of State's regulation 9(3) statement in respect of the proposed update of national waste planning policy.**

#### **Background to the update of waste planning policy**

3.1. Planning Policy Statement 10 sought to provide a positive planning framework to enable local authorities to put forward, through local waste management plans, planning strategies that deliver new waste management facilities of the right type, in the right place and at the right time. National waste planning policy, currently through this policy statement, also forms part of the national waste management plan for the

UK for the purposes of meeting the requirements of the revised Waste Framework Directive (2008/98/EC).

3.2 The National Planning Policy Framework, published in March 2012, delivered the Government's aim to review and streamline and consolidate the suite of former national planning policy statements and guidance into the one Framework document. Unlike other Government planning policies (for example, on housing, town centres, flood risk), national waste planning policy is unique due to its role as also serving as forming part of a wider national plan to meet Waste Framework Directive requirements. Consequently, waste planning policy was not included in the National Planning Policy Framework. Instead the intention, reflected in the Framework, was to publish separate updated national waste planning policy to sit alongside the proposed Waste Management Plan for England to be published by the Department for Environment, Food and Rural Affairs by the end of 2013.

3.3 As well as providing streamlined policy in line with National Planning Policy Framework principles, the policy is also being revised to deliver:

- the latest Government ambitions for waste management, reflected in the Government's Review of Waste Policy in England (2011) and the proposed Waste Management Plan for England;
- aspects of the revised Waste Framework Directive where national planning policy plays a role in ensuring compliance. These include:
  - (i) seeking to increase the use of waste as a resource and to place greater emphasis on the prevention and recycling of waste, while protecting human health and the environment;
  - (ii) the principles of proximity and self-sufficiency;
- a number of changes to policy which highlight the need for joint co-operation between local authorities given the abolition of regional strategies, and the Government's approach to protecting the Green Belt; and, through appropriate siting of facilities, encourage the utilisation of heat as an energy source where energy from waste development is being considered.

### **The Strategic Environmental Assessment screening process**

4.1 The Secretary of State appointed Land Use Consultants to prepare the attached screening/scoping report to inform his determination under regulation 9 of the 2004 Regulations.

4.2 The screening/scoping report concludes that the proposed update of national waste planning policy is within the scope of the Strategic Environmental Assessment Directive/2004 Regulations but, as a revision to a plan or programme which was previously subject to strategic environmental assessment, requires identification of whether it is a minor modification which would only require a further strategic environmental assessment if it is likely to have significant environmental effects and should be the subject of an strategic environmental assessment screening (see in particular paragraph 1.15).

4.3 The screening process included an assessment of the differences between Planning Policy Statement 10 and the proposed updated waste policy, taking into account the criteria set out in Schedule 1 to the 2004 Regulations, and whether any of those changes are likely to have a significant environmental effect. This assessment is set out in Appendix 1 of the screening/scoping report and the conclusions are set out in Section 4. In summary, Land Use Consultants conclude that the proposed update to national waste planning policy does not represent a

substantive change to policy and no significant environmental effects are therefore likely to arise from it.

4.4 The information in the report also 'scoped' the level of detail of the information that would be necessary in an environmental report, were the Secretary of State to conclude that a full assessment was required.

4.5 In accordance with regulation 9(2) of the 2004 Regulations, the Secretary of State consulted the consultation bodies (the Environment Agency, English Heritage and Natural England, and their equivalent bodies in Scotland and Wales – the Scottish Environment Protection Agency, Scottish Natural Heritage, Historic Scotland, Cadw and the then Countryside Council for Wales) - on the screening/scoping report in draft. A summary of statutory consultees responses, and how comments received have been taken into account, is set out in Appendix 2 of the screening/scoping report.

### **SEA determination with reasons**

5.1 . The Secretary of State accepts the findings and conclusions set out in the screening/scoping report. **The Secretary of State therefore determines that the proposed update of national waste planning policy, *Planning for sustainable waste management*, is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment under the Strategic Environmental Assessment Directive and the 2004 Regulations).** As a consequence, the scoping aspects of the screening/scoping report, and the subsequent preparation of an environmental report, have not been pursued.

5.2 This determination was made on 29 July 2013.