

# Review of SG Safeguarding8: Areas of Search for Waste Facilities

## 1. Introduction

1.1 This paper will review the Aberdeenshire Local Development Plan SG Safeguarding8: Areas of Search for Waste Facilities and assess whether any changes are required in light of amendments to national policy/legislation and changes in the local context. It will also assess whether the guidance forms a sound basis for making planning decisions on the location and control of waste management facilities in Aberdeenshire.

1.2 SG Safeguarding8 aims to meet the requirements of the National Waste Management Plan by ensuring that waste management facilities are directed to appropriate locations and governed by controls that protect public safety and amenity.

## 2. Policy Approach

2.1 SG Safeguarding8 will approve a waste management facility, subject to other policies, if:

- it conforms to the National Waste Management Plan, meets a clearly identified need, is within an area of search identified for this use, is the “best practicable environmental option” for the waste stream, and will not compromise public health and safety
- it will not result in adverse cumulative impacts
- the applicant submits sufficient information to enable a full assessment to be made of the likely effects of the development, along with proposals for appropriate mitigation
- details are provided on proposals for land restoration, after-care and after-use proposals, where required.

## 3. Background

### 3.1 National context

3.2 The revised EU Waste Framework Directive 2008 (WFD) is the primary European legislation for waste management. Together with the Landfill Directive (1999), it provides the legislative framework for the handling of waste within EU member states.

3.3 The Landfill Directive (1999) made provisions to regulate the siting and environmental impact of landfill sites and stimulate recycling and recovery of waste and energy. The directive also set rising targets to reduce the amount of biodegradable municipal landfilled.

3.4 The majority of the Directive’s requirements are implemented by the Landfill (Scotland) Regulations 2003, which state that planning permission may only be granted for a landfill if a list of locational requirements have been considered, including the distances from the boundary of the site to residential and recreational areas etc.

3.5 The WFD, which came into force on the 12<sup>th</sup> December 2010, introduced new provisions aimed at promoting waste prevention and recycling. It also adopts a strategic approach to the provision of waste management facilities.

3.6 Article 3(1) of the WFD defines waste as ‘*any substance or object, which the*

*holder discards or intends or is required to discard’.*

- 3.7 The WFD views waste as a ‘resource’ and this is reflected in Article 4, which introduced a five step waste hierarchy; waste prevention, re-use, recycling, other recovery (energy etc) and disposal. Article 4 states that the waste hierarchy applies “*as a priority order in waste prevention and management legislation*”. The waste hierarchy applies to the development of waste management policy and legislation.
- 3.8 In line with the above, the Scottish Government identified the implementation of the waste hierarchy as “*the main impact of the revised WFD on waste management in Scotland*”. The waste hierarchy underpins and guides the current approach to waste management in Scotland.
- 3.9 Article 16 of the WFD, which is based on the ‘proximity’ and ‘self sufficiency’ principles, requires waste to be treated/disposed as close as possible to the source of the waste. This aims to limit the transport emissions associated with waste management and ensure that communities take responsibility for their own waste.
- 3.10 The WFD requires member states to have a National Waste Management Plan. As a result, The Zero Waste (Scotland) Plan (ZWP) was adopted by the Scottish Government in 2010 and updated in 2011. The ZWP, in conjunction the National Planning Framework, SPP, PAN63, SEPA Waste data source and SEPA Thermal Treatment of Waste Guidelines, replaces the National Waste Management Plan and associated area waste plans.
- 3.11 The ZWP outlined the Government's vision for Scotland to become a Zero Waste Society through sustainable waste management, i.e. reducing the amount of waste produced and increasing recycling/composting. The plan used a phased approach to set recycling targets and limit the types and percentage of waste that can be landfilled. For example, the ZWP requires 40% of household waste to be recycled by 2010, 50% by 2013, 60% by 2020 and 70% by 2025. In addition, a maximum of 5% of Scotland’s annual waste will go to landfill by 2025. In order to meet these targets, a significant increase in the number and type of waste management facilities will be required.
- 3.12 Annex B of the ZWP provides information on the role and responsibilities of planning in promoting sustainable waste management. It directly supports the need for Safeguarding<sup>8</sup>, stating that “*Meeting (ZWP) requirements and targets.... will require action by the planning system to identify sufficient land allocations for more sustainable waste management infrastructure for all wastes (including construction and demolition)*”. Annex B also states that planning authorities should assess the need for a waste management facility by referring to the need and capacity information in Table 1 and 2. In addition, Annex B highlights that Energy from Waste (Efw) facilities, which produce energy in the form of electricity and/or heat from waste, have “*an important role to play and can make a positive contribution to both renewable energy and climate change targets*”.
- 3.13 The need to provide waste management facilities which reduce landfill associated carbon emissions and provide renewable energy from waste, is reinforced by The Climate Change (Scotland) Act 2009, which introduces a “*new duty for all public bodies to exercise their functions in a way that is best calculated to contribute towards the greenhouse gas reduction targets*”.
- 3.14 The Planning etc. (Scotland) Act 2006 supports the role of planning in WFD implementation by requiring development plans to contribute to sustainable development; a concept which underpins the WFD. In addition, regulation 10 of the Act requires LDP’s to have regard to the National Waste Management Plan,

i.e. ZWP.

- 3.15 Scottish Planning Policy 2010 (SPP) reflects the principles, approach and targets set out in the ZWP and directly supports the need for Safeguarding8. For example, SPP states that “*decision making in the planning system should... support the achievement of Zero Waste objectives, including the provision of the required waste management installations*”. With regard to the ZWP requirement for land to be allocated for waste management facilities, SPP states that “*development plans must identify appropriate locations for required waste management facilities, where possible allocating specific sites, and (providing) a policy framework which facilitates the development of these facilities*”. SPP points out that waste management facilities are now “*designed and regulated to high standards and (are) similar to other industrial processes*”. In light of this, SPP supports the approach of Safeguarding8 by identifying industrial and employment land as appropriate locations for new waste management facilities, while also pointing out that other locations can be considered for specific facilities, i.e. former mineral workings. SPP highlights the need for development plans to consider “*impacts on the environment, transport network and local communities*”, while adding that “*noise, effect on water resources, landscape and visual impact and the impact on the natural and historic environment*” may also have to be considered. Accessibility is identified as a key consideration for the siting of all waste management facilities. SPP provides guidance on the location of specific waste management facilities, stating that “*existing minerals workings or industrial sites are suitable for the processing of construction and demolition waste*”. In line with the proximity principle, SPP points out that “*towns and cities will often be the best locations for new waste transfer, separation and handling installations*”.
- 3.16 With regard to Efw facilities, SPP states that “*development plans should identify appropriate sites and the factors that will be taken into account when making decisions on planning applications*”. SPP identifies industrial sites close to energy grids or users of heat as suitable locations for Efw facilities.
- 3.17 SPP directly supports a number of criteria contained within SG8, including the requirement to safeguard all existing waste management sites by ensuring that allocations for adjacent sites do not compromise this use, i.e. a housing development in close proximity. Also, where relevant, SPP requires planning authorities to assess the cumulative impact of new landfill proposals, to “*ensure that...(they) do not lead to disproportionate environmental impacts on nearby settlements or the landscape*”. Finally, SPP requires development plans to “*secure decommissioning or restoration (of waste management facilities) to agreed standards*”.
- 3.18 Planning Advice Note 63 (2002) *Waste Management Planning* (PAN63) directly supports the approach of Safeguarding8 by pointing out that where there is a choice of locations, a development plan can identify site locations using an area of search approach.
- 3.19 The National Planning Framework 2 broadly supports the need for Safeguarding8, stating that “*Development of the necessary (waste management) infrastructure is a Government priority*”. NPF2 also highlights the need to consider Efw facilities, stating that “*relationships between waste, heat and other forms of energy must be fully considered by planning authorities at an early stage in the preparation of development plans*”. Finally, NPF2 reflects the WFD requirement for an integrated network of waste management facilities.
- 3.20 SEPA’s Guidance Note on ‘Input to Development Plan Consultations in Relation to ZWP issues’ (2012) directly supports Safeguarding8 by pointing out that it is the applicants responsibility to submit information on existing waste facilities in

the area and proposed transport methods, in order to demonstrate that the development will “*support the achievement of an integrated sustainable waste management network and contribute towards meeting the need for facilities that address the Zero Waste requirements*”.

### 3.21 Strategic/regional context

- 3.22 The Proposed Strategic Development Plan (SDP) 2013 reflects the principles of the WFD, incorporates the ZWP targets and adopts SPP’s approach to the provision of waste management facilities. It points out that this will “*mean we.. need a variety of significant extra waste-treatment facilities (with a capacity of over 300,000 tonnes) in a variety of locations....with around 75% of them being in the strategic growth areas within or close to Aberdeen. Outwith this area, facilities should generally meet a more local need or need to be in a rural location*”. The proposed SDP adopts an area of search approach to the allocation of land for waste management facilities, in line with SPP.
- 3.23 The North East Area Waste Plan was published in March 2003, in response to the National Waste Strategy. It aligns with the waste hierarchy and proximity principles and adopts the ‘best practicable environmental option’ approach. The Strategy can, in very broad terms, be seen to align with and support Safeguarding8. However, it should be noted that area waste plans in Scotland have been superseded by the ZWP and are currently being reviewed.

### 3.24 Local Context

- 3.25 The Council published an ‘Integrated Sustainable Waste Management Strategy for Aberdeenshire’ in 2001. While the strategy pre-dates the ZWP and the current legislative framework on waste management, it incorporates many of the key principles contained within the ZWP, i.e. the proximity principle. The Strategy can, in very broad terms, be seen to align with and support Safeguarding8 as it states that development plans “*must allow for the development of waste management facilities, including landfill, to meet the needs of this Integrated Sustainable Waste Management*”.
- 3.26 SEPA’s 2010 Waste Data Digest (12) shows that municipal waste landfilled in Aberdeenshire fell by 5.9% from 2006-10. Aberdeenshire recycled 26% of municipal waste in 2010; a 35% increase from 2006. Aberdeenshire also composted 6.1% of municipal waste in 2010, a 54% increase from 2006. While Aberdeenshire has made significant progress, it is clear that more will need to be done to meet the ambitious targets set out in the ZWP, including the provision of additional waste management facilities.
- 3.27 The policy SG Safeguarding8 contributes to the above objectives and requirements in the following ways. Criterion 1 and paragraph 1 of the justification text address the SPP requirement for the planning process to support the WFD and ZWP objectives.
- 3.28 Criterion 2 fulfils the ZWP requirement for waste management facilities to meet a local/regional/national need.
- 3.29 Criterion 3 and paragraph 2-3 of the justification text align with the ZWP/SPP requirement for development plans to allocate land for waste management facilities.
- 3.30 Criterion 4 aligns with the approach of the North East Waste Management Plan and SEPA’s Thermal Treatment of Waste Guidelines (TTWG)

- 3.31 Criterion 5 is in line with SPP's requirement for impacts on local communities to be considered.
- 3.32 Criterion 6 accords with SPP's requirement for cumulative impact to be considered when assessing the siting of landfill facilities.
- 3.33 Criterion 7i) enables the above requirements to be fulfilled and therefore, indirectly, aligns with the ZWP and SPP.
- 3.34 Criterion 7ii) and iii) fulfil SPP's requirement for environmental impacts such as landscape to be considered and decommissioning/restoration of the site to be secured.

#### **4. Drivers of Change**

- 4.1 The Proposed SDP and the Waste (Scotland) Regulations are the two key national/regional policy and legislative changes since Safeguarding<sup>8</sup> was written.
- 4.2 Following on from the above, the additional capacity requirement identified in the proposed SDP should be highlighted in the SG8 justification text, in order to broadly establish the 'regional need', against which planning applications will be assessed.
- 4.3 SEPA's Thermal Treatment of Waste Guidelines (TTWG) 2009 applies to all thermal treatment plants that recover energy from municipal waste and/or commercial and industrial waste, including renewable energy generation relating to 'biomass to energy systems'. The guidelines set out what is required from developers at the planning application and environmental licensing stages, i.e. PPC permit. It should be noted that the TTWG's are part of the National Waste Plan and therefore development plans must accord with them. In line with the Waste (Scotland) Regulations 2012, the guidelines require Efw facilities to demonstrate that they will only treat residual waste. In addition to the siting requirements outlined in SPP and PAN63, the guidelines recommend that planning applications should "*provide information on where the waste arises or will arise, the quantities and types of waste and the current destination of waste for treatment/disposal*". The guidelines require a planning application to demonstrate the site selection process, in terms of how the site was selected and what criteria was applied. The guidelines also point out that in order to maximise energy recovery, "*the issue of heat and power recovery must be fully addressed through development plans...in order to determine whether or not the location is acceptable*". Annex 2 of these guidelines provides guidance on what should be addressed in a heat and power plan. In light of the above, consideration should be given as to whether submission of a heat and power plan at the planning application stage is required. Consideration should also be given as to whether a new SG on Energy from waste facilities is required to facilitate this.
- 4.4 SPP provides specific guidance on the locational requirements of construction and demolition waste. This should be reflected in paragraph 3 of the justification text.
- 4.5 SEPA's Guidance Note on 'Input to Development Plan Consultations in Relation to ZWP issues' (2012) recommends that developers "*twin track applications for planning consent and environmental licensing to avoid the developer having to return to the Planning Authority with an amended scheme if modifications are required for the purposes of obtaining an environmental permit*". In light of this, a paragraph should be added to the justification text, advising applicants to twin track applications for planning and environmental permits as this would avoid the situation identified in PAN63, where a planning approval can't be implemented

because other environmental permits cannot be granted.

4.6 SEPA's Guidance Note on 'Input to Development Plan Consultations in Relation to ZWP issues' (2012) recommends early engagement between applicants and key stakeholders, in order to identify and address key requirements/issues. This recommendation should be added to the justification text.

## 5. Recommendations

On the basis of this information, the following recommendations are made.

- Further consideration should be given to whether a separate supplementary guidance on Energy from Waste facilities is required.
- Criterion 1 and 2 should make reference to 'all wastes', in line with the ZWP.
- An explanatory paragraph, which also encourages applicants to twin track planning and environmental applications should be added to the justification text.
- The first paragraph of the SG should be rewritten to read "the purpose of this policy is to ensuring that waste management facilities are directed to appropriate locations and governed by controls that protect public health and safety, to meet the requirements of European Directives and the National Waste Management Plan ...."
- The following paragraph should be added to the justification text below the bullet points, "The Strategic Development Plan has identified a *need for a variety of significant extra waste-treatment facilities (with a capacity of over 300,000 tonnes) in a variety of locations....with around 75% of them being in the strategic growth areas within or close to Aberdeen. Outwith this area, facilities should generally meet a more local need or need to be in a rural location. Aberdeenshire Council will assess the need for a waste management facility against the capacity requirements identified in the proposed SDP and Table 1 and 2 of the Zero Waste Plan (Annex B of the ZWP)*
- Amend paragraph 3 of the justification text to include "*existing minerals workings or industrial sites may be suitable for the processing of construction and demolition waste prior to their reinstatement*".
- Paragraph 3 should also be amended to include "previously developed land, including degraded, contaminated, derelict and general industrial land, located close to energy grids or users of heat are suitable locations for Efw facilities.
- The justification text should include a sentence encouraging applicants to have early engagement with stakeholders.

## 6. Summary of Main Points

6.1 Current national policy and legislation supports the need for SG Safeguarding8. The policy forms a sounds basis for assessing the location and control of waste management facilities in Aberdeenshire. While the legislative and policy context on waste management facilities has not changed significantly since Safeguarding8 was written, a number of minor changes are required. In light of the TTWG's, consideration should be given as to whether separate supplementary guidance on energy from facilities is required. The supporting text should be expanded to cover all waste and provide more context, in terms of the 'need' for waste management facilities. A number of minor amendments are also required to aid clarity.

## References

- Aberdeen City and Shire *Proposed Strategic Development Plan* (2013)
- Aberdeenshire Council (2012) *Aberdeenshire Local Development Plan*
- Aberdeenshire Council (2001) *Integrated Sustainable Waste Management Strategy for Aberdeenshire*
- Aberdeenshire Council (2003) *North East Area Waste Plan*
- Scottish Government (2002) *Planning Advice Note 63: Waste Management Planning*
- Scottish Government (2011) *Online Renewables Advice: Energy from Waste*
- Scottish Government (2010) *Scottish Planning Policy*
- Scottish Government (2009) *National Planning Framework for Scotland 2*
- Scottish Government (2010) *Zero Waste Plan*
- Scottish Government (2010) *Annex B of the Zero Waste Plan*
- Scottish Government (2012) *The Waste (Scotland) Regulations 2012*
- Scottish Government (2010) *Energy from Waste Potential*
- SEPA (2010) *Waste Data Digest*
- SEPA (2011) *Guidance Note on Input to Development Plan Consultations in Relation to ZWP Issues*
- SEPA (2009) *Thermal Treatment of Waste Guidelines*

