

# Review of SG Developer Contributions4: Waste Management Requirement for New Development

## 1. Introduction

1.1 This paper will review the Aberdeenshire Local Development Plan SG Developer Contributions4 (DC4) and assess whether any changes are required in light of amendments to national/regional policy and changes in the local context. It will also assess whether the guidance forms a sound basis for making planning decisions on waste management provision within new developments in Aberdeenshire.

1.2 SG Developer Contributions4 aims to promote sustainable waste management in new developments and encourage responsibility for waste at producer level, i.e. householder, business or developer.

## 2. Current Approach

2.1 SG Developer Contributions4 will approve new development if:

- the applicant has agreed a Site Waste Management Plan for the site with Aberdeenshire Council, which details how the waste that is generated by the development will be dealt with, including what steps will be taken to reduce, re-use and recycle wastes
- adequate space has been provided within the development to allow for the efficient and effective handling of waste arisings

## 2. Background

### 2.1 National Context

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

2.3 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 is therefore of most relevance to DC4. Article 3(1) defines waste as '*any substance or object which the holder discards or intends or is required to discard*'.

2.4 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 both the development of policy/legislation and its implementation.

2.5 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.

2.6 The WFD adopts the 'polluter pays principle', whereby the producer/holder of the waste is liable for the cost of collection, treatment and/or disposal. It also adopts the 'proximity principle', which requires waste to be processed as close as

possible to its source.

- 2.7 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.
- 2.8 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 etc. 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.
- 2.9 The Waste (Scotland) Regulations 2012 implemented the waste prevention and recycling etc. requirements of the ZWP by introducing new statutory obligations on Councils, in relation to waste collection and treatment.
- 2.10 Annex B of the Zero Waste Plan provides information on the role and responsibilities of planning in promoting sustainable waste management. It directly supports the need for supplementary guidance on waste management in new developments by stating that *"it is crucial to the delivery of the Zero Waste Plan to ensure that sustainable waste management is fully considered in all new development. Development plans should include policies to require all new developments to demonstrate that they can minimise the generation of waste during the construction and operational phases. Annex B identifies Site Waste Management Plans (SWMP) as an effective way of achieving sustainable waste management and requires these to be submitted as part of planning applications for all new developments. SWMP's and the wider planning decision making process are also required to take account of the waste hierarchy.*
- 2.11 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.
- 2.12 Scottish Planning Policy 2010 (SPP) broadly supports the need for DC4 when it states that *"decision making in the planning system should.... support the achievement of Zero Waste objectives"*. SPP directly supports the provision of DC4 when it states that *"decisions on the layout and design of new development should.... support sustainable waste management"*. SPP emphasises the need for all new developments to make provision for waste separation and collection, in accordance with the waste hierarchy. DC4 also links to the wider aims of SPP by contributing to the achievement of sustainable development. For example, waste reduction and recycling reduces landfill emissions of methane, a greenhouse gas 24 times more potent than carbon dioxide. This links directly to the SPP requirement for *"all new development to limit likely greenhouse gas emissions, particularly by limiting resource and energy requirements"*.
- 2.13 PAN 63 (2002) gives specific support to DC4, requiring *"provision... for space to allow for the separation and collection of waste"*. PAN63 also states that *"proposals which fulfil the higher elements of the (waste) hierarchy should be favoured over those focused towards the lower range"*.
- 2.14 The National Planning Framework 2 broadly supports the provision of DC4, stating that *"The effective management and re-use of waste is essential to a*

*sustainable future.*”

2.15 SEPA’s Guidance Note on Input to Development Plan Consultations in Relation to ZWP issues directly supports the need for DC4, stating that “*provision should be made within LDPs for policies which include requirements for all new developments.... to demonstrate that they have sought to minimise the generation of waste during the construction and operational phase*”. The guidance note also points out that development plan policies must be applicable to all types of waste, that ‘sustainable waste management’ should be considered at an early stage of the development process and that Site Waste Management Plans are a useful tool for achieving and demonstrating compliance.

#### Strategic/Regional context

2.16 The Proposed Strategic Development Plan (SDP) 2013 broadly supports DC4 when it states that “*all new development must be designed and built to use resources more efficiently*”. The proposed SDP directly supports DC4 by stating that “*we must integrate how we manage waste into all development proposals*”.

#### Local Context

2.17 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 waste hierarchy. The Strategy can, in very broad terms, be seen to align with and support DC4.

2.18 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 needs to be done to meet the ambitious targets set out in the ZWP.

2.19 In order to meet the requirements of the ZWP and the 2012 Waste (Scotland) Regulations, Aberdeenshire Council is introducing significant changes to the way that waste and recycling are collected in 2013. For example, a wider variety of products will be recyclable, while kerbside recycling collections will be rolled out across Aberdeenshire.

2.20 The policy fits well with international and national obligations. Criterion 1 aligns with the SPP requirement for the design and layout of new developments to support sustainable waste management and the ZWP objectives. It also accords with Annex B of the ZWP and SEPA’s Guidance Note by requiring applicants to submit a Site Waste Management Plan.

2.21 Criterion 2 and Appendix 1 align with PAN63’s requirement for adequate space to be provided for the collection and separation of waste; proportionate to the development type.

2.23 The first paragraph of the justification text aligns with the ‘polluter pays’ principle adopted by the WFD and the ZWP.

2.24 The last sentence of paragraph 2 addresses the requirement of Annex B, with new developments required to minimise waste generation during the ‘construction’ (developmental) phase.

2.25 The final paragraph of the justification text aligns with SEPA’s Guidance Note, which recommends early consideration of ‘sustainable waste management’ issues.

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

- 4.1 While DC4 aligns with the principles and approach of the Zero Waste (Scotland) Plan, the SPP requirement for planning processes (development) to support 'sustainable waste management' and contribute to the 'ZWP objectives' should be better reflected in criterion 1. An explanatory paragraph should also be added to the justification text, setting out the overall vision, targets and relevance of the ZWP.
- 4.2 SEPA's Guidance Note on Input to Development Plan Consultations in Relation to ZWP issues requires development plan policies to be applicable to 'all' wastes. The supplementary guidance should be amended to make reference to 'all wastes'.
- 4.3 While criterion 2 requires adequate space provision for 'effective waste handling', SPP and PAN63 both refer to 'space provision for the separation, storage and collection of waste'. Criterion 2 should be amended in line with SPP.
- 4.4 While DC4 requires the submission of Site Waste Management Plans and provides a very brief outline of what is required, it does not provide any details on the format and content of SWMP's. In light of this, there is scope to include further guidance on SWMP's within planning advice and a commitment to this should be made in the supporting text. This standardisation of SWMP's could contribute to a more efficient and effective process.
- 4.6 The ZWP requires development plan policies to minimize waste generation from new development during the construction and operational phases. While criterion 1 refers to 'waste generated by a development', which implies both phases, this should be clarified with reference made to the construction and operational phases. There is also a need to strengthen the last sentence of paragraph 2, which only requires that 'consideration is given to waste arising from the construction (developmental) phase'.
- 4.7 While Aberdeenshire will roll out a co-mingling recycling collection in 2013, paragraph 2 of the justification text remains valid, as general waste, food waste and recycling will still require segregation. However, in light of the ongoing changes to the waste/recycling collections, there is a need to review the spatial requirements for waste management facilities in new developments, set out in Appendix 1.

#### **5. Recommendations**

- Amend criterion 1 to read 'the applicant has agreed a site waste management plan with Aberdeenshire Council, that promotes sustainable waste management and contributes to the objectives of the Zero Waste Plan through the minimization, re-use, recycling and composting of all wastes during the construction and operational phases. It must also show how any remaining wastes will be disposed off'.
- In criterion 1 the sentence 'efficient and effective handling of waste arisings' should be replaced with 'efficient and effective separation, storage and collection of all waste arisings'.
- Amend paragraph 1 of the justification text to read, 'The aim of this policy is to promote sustainable waste management, contribute to the Zero Waste Plan objectives and secure responsibility for waste at producer level (householder, business or developer)'.
- Add the following paragraph below, 'Scotland's Zero Waste Plan sets out a vision of a zero waste Scotland, where waste is treated as a valuable resource and not as a burden. It uses a waste hierarchy to prioritise waste reduction, re-use and

recycling over landfill disposal. The ZWP has set a target for 70% of all Scotland's waste to be recycled by 2025, while a maximum of 5% of Scotland's waste will go to landfill by 2025.

- Add the following paragraph below, 'The Local Development Plan (and the planning process in general) is required to support the achievement of the Zero Waste Plans' objectives through sustainable waste management practices, i.e. waste reduction, re-use, recycling/composting. New development, which does not promote sustainable waste management and contribute to the ZWP objectives, will not be acceptable'.
- The first sentence of paragraph 2 of the justification text should be amended to read 'source segregation is a key requirement of the ZWP and....'
- The last sentence of paragraph 2 of the justification text should be amended to read 'In line with criterion 1, information should be provided on how wastes arising from the construction phase of the development will minimized, re-used, recycled or disposed off'.
- In line with SEPA's Guidance Note, the following sentence should be added to the end of paragraph 3, 'Any communal recycling facilities must be sited in an accessible and convenient location'.
- Amend paragraph 5 of the justification text to read 'Appendix 1 summarizes...'
- An additional sentence should be added " Planning Advice will be prepared to provide guidance on the format and content of SWMP's.

## **6. Summary of main points**

6.1 Current national legislation and planning policy/advice supports the need for SG Developer Contributions<sup>4</sup>. In general, the guidance forms a sound basis for assessing the suitability and sustainability of waste management systems in new development. While new waste legislation was introduced in 2012 to implement the ZWP, the policy context has not changed significantly since DC4 was written. While no major changes are required, this paper recommends criterion 1 is amended to make reference to the ZWP vision and objectives. In addition, the guidance should refer to 'all' wastes, waste reduction and recycling/composting should be preferred in the justification text, and consideration given to the provision of further guidance on the format and content of Site Waste Management Plan's.

## **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*

Scottish Government (2002) *Planning Advice Note 63: Waste Management Planning*

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*

SEPA (2010) *Waste Data Digest*

SEPA (2011) Guidance Note on Input to Development Plan Consultations in Relation to ZWP Issues