

PINS NOTE 9/2011

To: All Inspectors

Date of Issue: 11 April 2011

Currency: review at 6 months after issue

REVISED PLANNING POLICY STATEMENT 10 (PPS10): SUSTAINABLE WASTE MANAGEMENT

Background

1. The revised Waste Framework Directive (rWFD)¹ was incorporated within UK law by The Waste (England and Wales) Regulations 2011². The rWFD has changed the emphasis of the waste hierarchy³ to increase the use of waste as a resource and encourage waste prevention and recycling of waste whilst protecting human health and the environment. To this end, PPS10 paragraph 1 has been revised and Annex C replaced to reflect the new waste hierarchy.
2. DCLG have issued a [letter to all Chief Planning Officers](#) in England setting out the changes to PPS10⁴. The CPO letter states that *...these changes do not prevent planning authorities from pressing ahead with their waste management plans and making sure that they provide sufficient land for waste management facilities...*

Action

3. Inspectors should note the changes to the waste hierarchy and, when considering waste planning casework and waste local plans they should: -
 - (a) Satisfy themselves that local authorities have had sufficient regard to the hierarchy in the preparation of their waste plans; and
 - (b) be aware that, where relevant, the hierarchy is capable of being a material consideration in determining planning applications.

¹ EU Directive [2008/98/EC](#), which repeals Directives 75/439/EEC, 91/689/EEC and 2006/12/EC

² [SI 2011 No. 988](#), which came into force on 29 March 2011 (apart from r12, which comes into effect on 29 September 2011 – this provision requires that waste management operations implement the revised waste hierarchy within 6 months of the coming into force of the regulations) – The transposition of the rWFD and the 2011 Waste Regulations will be the subject of a separate advice note.

³ Article 4 of 2008/98/EC

⁴ A [revised version of PPS10](#) was issued on 30 March 2011.

4. In view of the above, it may be necessary to obtain the views of the parties where the application of the waste hierarchy is a main issue and the change in PPS10 may affect the outcome of the case (and this has not been raised by the parties).
5. Please contact XXXX if you have any queries on this Note.

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Director of Planning Strategy, Quality and Development Plans