



PINS NOTE 23/2013

To: All Inspectors (England)

Date of Issue: 05 August 2013

Currency: review at 6 months after issue

Draft National Waste Management Plan for England

Action

1. Inspectors will need to be aware that the draft National Waste Management Plan (NWMP) – consisting of the Waste Management Plan for England and Planning for Sustainable Waste Management has now been published. This will replace the Waste Strategy 2007 and PPS10 respectively. The two documents that will make up the NWMP fulfil the requirements of Article 28 of the Waste Framework Directive (WFD).
2. As these documents are likely to be referred to in submissions and at events, it should be noted that the current Waste Strategy 2007 and revised PPS10 will remain in effect until replaced by the final version of the NWMP, which is likely to be early-mid 2014. The draft version of the NWMP would therefore normally carry limited weight. However, it will be for Inspectors to decide precisely what weight to attach to the draft NWMP taking into account the particular circumstances of their case.

Background

3. As promised in the action plan from the defra review of waste policy in England (the Waste Review) in 2011¹, the Government have now published the two documents that make up the NWMP for England as required under Chapter V, Article 28 of the plans and programmes provisions of the WFD², transposed into UK law through the Waste Regulations 2011³ in England and Wales.

¹ [Review of Waste Policy in England – Action Plan](#) - defra, 13 June 2011.

² [Waste Framework Directive 2008/98/EC](#) - EC, 19 November 2008.

³ [The Waste \(England and Wales\) Regulations 2011, SI2011/988](#).

The draft Waste Management Plan:

4. Defra published the [draft Waste Management Plan for England \(WMP\)](#) on 15 July 2013 for consultation. The WMP will replace the Waste Strategy 2007 and contains existing waste management policies and information, covering -

- analysis of current waste management situation;
- type, quantity and source of waste generated;
- existing waste collection scheme, disposal/recovery operations addressed by EC legislation;
- assessment of the need for investment in new schemes, closure of existing schemes in accordance with Article 16;
- locational criteria for site identification and capacity of future schemes;
- additional obligations from the WFD: management of packaging waste; promotion of high quality recycling; promotion of separate biowaste collection (for composting/AD); promotion of re-use/preparing for re-use.

5. The draft Updated Planning Policy - Planning for Sustainable Waste Management:

DCLG published the [draft intended replacement for PPS10](#) for consultation on 29 July 2013, announced by Baroness Hanham⁴. In summary the policy changes are as follows:

- i) Green Belt – to strengthen protection for the Green Belt by removing the reference giving weight to locational needs and wider environmental & economic benefits when considering waste applications in the Green Belt - to bring waste policy in line with paragraphs 87-88 of the NPPF.
- ii) Reflect the WFD – encouraging increase in waste as a resource; greater emphasis on waste prevention and recycling, whilst protecting human health and the environment; reflect the principles of proximity and self-sufficiency.
- iii) Abolition of regional planning – reinforces the importance on Local Plans and emphasises the duty of co-operation between waste planning authorities, as required by s33A of the Planning and Compulsory Purchase Act 2004, inserted by s110 of the Localism Act⁵;
- iv) Energy from Waste - encourages the use of combined heat and power plants by consideration of siting – through local plans - energy from waste facilities in areas suitable for use of heat as an alternative energy source.

⁴ [HoL Statement on Planning, Hansard Col. WS162-4](#) - HoL, 29 July 2013.

⁵ [S110 of the Localism Act 2011](#) (c.20).

6. The WMP, together with the intended replacement for PPS10 will fulfil the obligations of Article 28 and in particular the revised waste hierarchy (Article 4) of the WFD. When the NWPM is in place LPAs will need to have regard to the WMP and updated planning policy when deciding waste planning proposals and when updating waste local plans.
7. The government has asked for comments on the WMP and updated policy as follows:

Draft Waste Management Plan for England –

- Does the WMP, when combined with the locational guidance in the updated waste planning policy meet the Article 28 requirements?
- Assessment of the conclusions of the accompanying Environmental Report; and
- Will the WMP result in extra burdens for business, consumers and local authorities?

Draft updated planning policy for waste management –

- Is streamlining the policy, in line with the NPPF the correct approach and if there is anything missing from the updated policy?
- Assessment of the adequacy of existing available data/information for planning provision of new capacity in line with new policy;
- Are the updated site identification requirements and locational criteria agreeable?
- Is the proposed policy for consideration of sites in the Green Belt the correct approach?
- Are there any parts of the existing PPS10 companion guide or LPA guidance on WFD implementation or any other areas that could be included in future planning practice guidance to support the policy?.

Provisions have been put in place for PINS to respond to these consultations, therefore this Note is not a request inviting further responses.

8. Please contact XXXX if you have any queries on this Note.

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Chief Planning Inspector