

DERRY CITY AND STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



POLICY REVIEW 11 **Planning Policy Statement 11: Waste Management** (May 2017)

This Document is one in a series, which builds up to form the 'evidence base' that informs the preparation of the Local Development Plan (LDP).

The afore-mentioned evidence base will be continually updated, to additionally include the latest information, input from public engagement, statutory consultees, stakeholder groups, Sustainability Appraisal and from other Departments within the Council, including Community Planning.

The Evidence Base is published as a 'supporting document' in accordance with Article 10(a) and 15(a) of the Planning (LDP) Regulations (NI) 2015.



Waste Management

Purpose: To consider existing planning policies relating to PPS 11 – Waste Management and to consider alternative policies; which will inform the forthcoming Preferred Options Paper (POP), as part of the preparation of the Local Development Plan (LDP).

Content: The paper will provide information on:

- (i) The context of Waste Management within Derry City and Strabane District and existing plan policies;
- (ii) Derry City and Strabane District Council (DCSDC) objectives for Waste Management and the linkages between DCSDC objectives, Regional Planning Policy and Strategic Planning Policy Objectives;
- (iii) Consider existing policies and consider preferred approaches within the Local Development Plan (LDP).

Recommendation: The findings shall be used to inform the Preferred Options Paper (POP) and Strategic Policies in the Local Development Plan (LDP).

1.0 Introduction to Paper

- 1.1 The purpose of this paper is to consider current planning policies associated with Waste Management and to determine whether or not they are compatible with the Council's objectives and whether they need to be amended to take account of local circumstances through the new Local Development Plan (LDP).
- 1.2 This paper provides an assessment of how existing planning policies take account of the Regional Development Strategy (RDS), Strategic Planning Policy Statement (SPPS), Sustainability Appraisal themes and DCSDC objectives through the proposed LDP objectives.

2.0 Legislative Context

- 2.1 Article 5 of the Planning Act (Northern Ireland) 2011 states that the creation of planning policy as part of the Plan Strategy must be done with the objective of furthering sustainable development and in doing so, must take account of policies and guidance issued by OFMDFM, DOE and DRD such as the Regional Development Strategy (RDS) 2035 and Strategic Planning Policy Statement (SPPS).
- 2.2 Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 requires all NI Departments and District Councils in exercising their functions, to act in a way they consider to be best calculated to contribute to the achievement of sustainable development.
- 2.3 Government recognises the strategic importance of managing our waste sustainably, and the Northern Ireland Waste Management Strategy is the policy framework for the management of waste in Northern Ireland. This document embodies the principles of sustainability as enshrined in the EU Waste Framework Directive (WFD) as well as other key policy documents and guidance.

3.0 Planning Policy Statement (PPS) Review Parameters

3.1 In preparing the new LDP, the Council will have regard to several existing plans and documents that set out the main legal and policy context and considerations of what the LDP is required to do and can include, in relation to waste management in the District.

(a) Derry City and Strabane District Council

3.2 Position Paper 1 outlined a number of policy objectives that will assist in formulating the aims and objectives for Waste Management in the LDP, including;

- To promote diversity in the range of jobs recognising the importance of employment in the primary, secondary and tertiary sectors;
- The need to provide and encourage the use of sustainable energy both as a means of generating money for the local economy, attracting investment in enterprise and providing sustainable and affordable lighting and heating for the population. To get the right balance between exploiting the North West's renewable energy resource and protecting the environment of the District;
- The need to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and wellbeing;
- The need to accommodate investment in power, water and sewerage infrastructure, and waste management, particularly in the interests of public health.

(b) Regional Development Strategy

3.3 The Regional Development Strategy 2035 (RDS, launched 2012). The RDS is the spatial strategy of the NI Executive, expected to deliver the spatial aspects of the Programme for Government. It emphasises the significant role that Derry has to play as the principal city of an expanding North West region and the importance of Strabane town as Derry's clustered Main Hub. In preparing the Local Development Plan, the Council must 'take account' of the RDS.

3.4 Waste management is covered under RG10: Manage our waste sustainably: Managing waste is a significant part of how we treat our environment. If waste is not managed safely then it can become a serious threat to public health, and cause damage to the environment as well as being a local nuisance. RG10 can be achieved by applying the *Waste Hierarchy* and *Proximity Principles* which are embodied in the EU *Waste Framework Directive* and provides a 5-step waste hierarchy which is widely used in other jurisdictions.

- 3.5 The 5 step waste management hierarchy, laid down in Article 5 of the Waste Framework Directive, is a core principle of the Northern Ireland Waste Management Strategy and is also referenced in the RDS 2035. This waste hierarchy aims to encourage the management of waste materials in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced. Waste disposal should only be used when no option further up the hierarchy is possible.
- 3.6 Proposals for waste collection and treatment facilities are considered against the policies contained in **Planning Policy Statement (PPS 11) Waste Management**. Proposals for the development of any waste management facility will be considered against Policy WM1 and will be subject to a thorough examination of the environmental effects and will only be permitted where it can be demonstrated that it meets an extensive criteria such as not causing harm to human health or unacceptable adverse impacts to the environment.

(c) Sustainability Appraisal (SA) Objectives

- 3.7 DCSDC has a statutory requirement in the preparation of its LDP to further sustainable development by ensuring that it is subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Appraisal (SEA). The SA/SEA provides an appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that align with sustainable development.
- 3.7.1 The objective for sustainable development is to manage material assets sustainably. In considering Waste Management, this is underpinned by the concept of a '*Circular Economy*' which treats waste as a resource which should be managed sustainably to reduce production and increase recovery, recycling and composting rates. In order to achieve this objective, new or adapted facilities may be required.
- 3.7.2 Within the context of the Council area, there is no landfill capacity and recycling is available through house collections, recycling centres and community recycling centres. There is a need to ensure the location of fit-for-purpose centrally located recycling facilities based on the proximity principles with derelict or contaminated land being considered for appropriate development for material assets.

(d) The Strategic Planning Policy Statement for Northern Ireland (SPPS)

- 3.8 Sustainable waste management is essential for the health and well-being of society, and our quality of life. The waste management industry is an important provider of jobs and investment across the region, with the potential to support future business development, investment and employment.

- 3.8.1 The Northern Ireland Waste Management Strategy - '*Delivering Resource Efficiency*' (October 2013) – emphasises that waste is a resource and an opportunity, rather than a burden. The strategy recognises that smarter use of scarce resources is both a strategic necessity and an economic opportunity. It reflects the EU Waste Framework Directive (WFD) target of recycling (including preparing for re-use) 50% of household waste by 2020, as well as the Executive's Programme for Government commitments.
- 3.8.2 The aim of the SPPS is to support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency. It sets three strategic objectives for waste management:
- Promote development of waste management and recycling facilities in appropriate locations;
 - Ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided or minimised; and
 - Secure appropriate restoration of proposed waste management sites for agreed after-uses.
- 3.8.3 Our local development plan should set out policies and proposals that support this aim and policy objectives, tailored to the local circumstances of the plan area. Our Council must assess the likely extent of future waste management facilities for the plan area. Specific sites for the development of waste management facilities should be identified in the Plan, together with key site requirements.
- 3.8.4 In the case of a regional scale waste collection or treatment facility, its location should relate closely to, and benefit from easy access to key transport corridors such as the A5 and A6 and where practicable, make use of the alternative transport modes such as the Derry to Belfast rail link or River Foyle. Council's new plan should also identify the need for appropriate waste management facilities within new development.
- 3.8.5 The preparation of a LDP affords the opportunity to engage with relevant government departments and agencies responsible for various aspects of waste management, fostering a necessary joined up approach. This approach should also be extended to neighbouring councils where appropriate.

(e) Existing Area Plans

3.9 The existing **Derry Area Plan 2011 (DAP)** was adopted in 2000 and is now beyond its notional date of 2011. The DAP 2011 has one waste policy under Chapter 13 Public Utilities: *Policy WD 1 Waste Disposal within Areas of Scenic Quality – Planning permission will not normally be granted for the disposal of waste materials within the Sperrins AONB, Bonds Glen and Ness Wood/Ervey Wood Countryside Policy Area or within the Areas of High Scenic Value.* At the time of publication, the predominant method of dealing with waste materials was landfilling/land raising. Sites at Culmore and Duncastle were used and operated by the former Derry City Council, while others were privately operated. However it was recognised that the life of these facilities is limited and that new arrangements, including facilities for re-cycling and recovery as well as disposal by landfilling or other means, would be required. Various options were being considered for the management and disposal of waste, some in conjunction with neighbouring Councils, but it was clear that there would be an ongoing need for landfilling/landraising facilities.

3.9.1 **Strabane Area Plan (SAP) 2001** was adopted in 1991 and is also beyond its notional end-date. The SAP stated that waste disposal would continue to be disposed of in landfill. SAP identified two sites that the district uses for landfill i.e. at Spamount, for inert materials and at Carricklee where most of the waste was disposed by the Council, and is now closed.

(f) Corporate and Community Plans and Other Considerations

3.10 The Derry City and Strabane District Council Corporate and Improvement Plan 2015-16 has been developed within the context of the **Community Plan** which will provide the long term strategic planning framework for the Council and the wider community. During the course of this process, Council has actively brought together a range of community, private and statutory stakeholders to develop a long-term vision for the social, economic and environmental regeneration of this area.

3.11 The new style of LDP provides a unique opportunity for the Council to genuinely shape the district for local communities and will enable them to adopt a joined up approach, incorporating linkages to other functions such as regeneration, local economic development and community planning. The Local Government Act introduces a statutory link between the Community Plan (CP) and the LDP, in that the preparation of the LDP must *'take account of'* the CP – which provides the higher-level strategic aspirations. It is intended that the LDP will be the spatial reflection of the CP and that the two should work in tandem towards the same vision for the Council area and our communities and set the long term social,

economic and environmental objectives for the District. It therefore provides the key context at the local Council level for the preparation of the LDP.

(g) The Northern Ireland Waste Management Strategy

- 3.12 The most recent is entitled *'Delivering Resource Efficiency'* was published in October 2013 and was revised to cover all EU Directive requirements and provide a coherent approach to the waste policy framework for Northern Ireland. While it builds on and retains the core principles of the 2006 Waste Management Strategy, it places a renewed emphasis on the Waste Hierarchy. The new Strategy moves the emphasis of waste management in Northern Ireland from resource management, with landfill diversion as the key driver, to resource efficiency i.e. using resources in the most effective way while minimising the impact of their use on the environment.
- 3.13 It also emphasises that waste as a resource can provide an opportunity, rather than be perceived as a burden. The strategy recognises that smarter use of scarce resources is both a strategic necessity and an economic opportunity. It sets out the EU Waste Framework Directive (WFD) target of recycling (including preparing for re-use) 50% of household waste by 2020, as well as the Executive's Programme for Government commitments.
- 3.14 Northwest Region Waste Management Group (NWRWGM) has prepared a Waste Management Plan aimed at improving waste management practices through a regional approach to economies of scale and resource-sharing. The North West Region Partnership's **'Review of the Waste Management Plan 2006-2020'** sets out arrangements for waste management and covers the period from 2012 to 2020. One of the main objectives of this plan is to promote recycling/recovery and reduce the reliance on landfill sites as the primary means of waste management. The future of the waste management groups, following local government reorganisation in April 2015, the long-term future remains uncertain and is yet to be determined.

4.0 Assessment and Consideration of Planning Policy Statement 11 (PPS 11) – Planning and Waste Management

- 4.1 During plan preparation, Council waste management groups may wish to discuss the likely extent of future waste management facilities for the plan area. Sites for the development of waste management facilities may be identified together with the need for appropriate waste management facilities associated with new development. Development plans will also consider the potential impact of existing or approved waste management facilities when zoning adjoining lands for other forms of development and the need to separate incompatible land uses. The COMAH Directive (EU Directive 96/82/EC) requires development plans to consider the location of hazardous installations including the need to maintain an appropriate distance between establishments where hazardous substances are present and residential areas, areas of public use or areas of nature conservation interest.
- 4.2 Planning applications for waste collection and treatment facilities are considered against the policies contained in PPS 11. Proposals for the development of any waste management facility will be considered against Policy WM1 and will be subject to a thorough examination of the environmental effects and will only be permitted where it can be demonstrated that it meets an extensive criteria such as not causing harm to human health or unacceptable adverse impacts to the environment.
- 4.3 The purpose of the following sections is to consider the effectiveness of PPS 11 and consider the following:-
1. Do the policies of PPS 4 align with the objectives of the SPPS and LDP Growth Strategy (Paper 1) in relation to Waste Management?
 2. Whether or not, the policies need to be tailored to meet local circumstances and how can planning facilitate waste management within the confines of the SPPS and LDP Growth Strategy?

5.0 Review of Planning Policies of PPS 11 and LDP Policy Approach?

5.1 In comparing the provisions of both the SPPS and PPS, the SPPS updates and sets out in a strategic way the existing planning policy approach for Waste Management as contained in PPS 11. While the objectives of both policy documents are broadly similar, there are some differences. For example, the SPPS emphasises the positive contribution that waste management can make to sustainable development. This includes benefits to the health and well-being of society and to the provision of jobs and investment in Northern Ireland.

5.2 From an operational perspective, the Best Practicable Environmental Option (BPEO) was removed in accordance with the recommendations of the Revised Waste Management Strategy '*Delivering Resource Efficiency*' (2013) and is no longer treated as a material consideration. That said, the concept is enshrined within the non-statutory waste management plans covering the respective council waste management groupings.

5.3 The SPPS states that Councils must assess the likely extent of future waste management facilities for the Plan area and that specific sites for the development of waste management facilities should be identified in the Local Development Plan (LDP) together with Key Site Requirements (KSR).

5.4 In formulating the new LDP, it will take account of *the Northern Ireland Waste Management Plan 2013* and subsidiary *The North-West Region Waste Management Plan* which covers the Derry City and Strabane and Causeway Coast and Glens districts.

5.5 As part of a series of Workshops covering a diverse range of planning topics with elected representatives, the views of Members was sought at Workshop 9 on the 12th December 2016 in respect of Waste Management. From this discussion, no major issues were raised, nor were any specific concerns raised in respect of PPS 11. There was however, some useful discussions around;-

- Anaerobic Digestion (AD) and resultant traffic impacts;
- AD and location – better suited to industrial areas;
- The North West Waste Management group intend to meet the 30% target by 2025;
- Home composting;
- Post Brexit/EU – fear of infraction drives actions;

5.6 In addition, Development Management (DM) who are responsible for the interpretation and application of the policy provisions of PPS 11 were engaged with on the 13th March 2017. Their input is integral to determine what aspects of this policy needs to be re-examined and the findings of this meeting are summarised as follows:-.

- DM officers indicated that there are existing approved waste management facilities, including a regional scale Materials Recovery Facility, a Composting facility and Gasification facility located within the district. Whilst the composting and gasification facilities have yet to be constructed their permissions have been implemented;
- In relation to the policy requirements of PPS11, DM officers highlighted the removal of BPEO within the SPPS and confirmed that planning officers had problems applying this policy requirement;
- It is considered by DM officers that the broad thrust and policy principles of PPS11 & the SPPS are acceptable in terms of operational planning policy and work effectively;
- It is recommended that the policy principles for waste management are taken forward in the development of new policy for our Local Development Plan.

5.7 The following sections will consider the individual policies of PPS 11

WM 1 - ENVIRONMENTAL IMPACT OF A WASTE MANAGEMENT FACILITY

- 5.7.1 **APPROACH 1:** Retain existing policy which relates to the environmental impacts of waste management facilities and provides a robust framework against which to assess these proposals. From the DM review meeting, it was felt that this policy is working effectively, so the first option is to retain this policy in its current form.
- 5.7.2 **APPROACH 2:** Retain the thrust of WM1 and revisit the policy wording which could be more positive, and reflects the language of the SPPS which espouses the benefits relating to the Waste Management function. The criteria also needs to be streamlined to avoid repetition in other sections of the Plan. For example, issues such as neighbouring amenity, noise etc will be dealt with under the General Criteria section of the Plan Strategy which will overarch all plan policies and proposals. The removal of the BPEO will also align with the SPPS.
- 5.7.3 **APPROACH 2:** is potentially the most appropriate option as it retains the key principles whilst adopting a more positive approach in line with the SPPS.

WM 2 - WASTE TREATMENT AND COLLECTION FACILITIES

- 5.8 **APPROACH 1:** Retention of policy in its current form which relates specifically to proposals for the development of a waste collection or treatment facilities. It includes criteria which must be met such as location, the built form of the proposal and other environmental factors.
- 5.8.1 **APPROACH 2:** Maintain thrust of policy with amendments reflecting provisions of SPPS along with some changes to policy wording.

5.8.2 **APPROACH 2** is potentially the most appropriate option whereby the main thrust of policy is retained with the removal of the BPEO test in line with the SPPS. There is also scope to revise policy wording where repetition exists and, create a more positive language similar to that proposed for WM 1.

WM 3 – WASTE DISPOSAL

5.9 **APPROACH 1:** Retain policy WM3 in its current form relating to the development of landfill or land raising facilities for the disposal of waste. It also requires that proposals will only be permitted if it:

- provides essential interim capacity;
- is likely to form part of a co-ordinated regional or sub-regional network; and,
- as far as possible does not lead to an increase in the number of active landfill sites.

5.9.1 **APPROACH 2:** Retain policy WM3 with modifications in line with SPPS

5.9.2 **APPROACH 2** is potentially the most appropriate route as there are no active council landfill sites (or immediate plans for any) which aligns with the shift towards a '*Circular Economy*', it is necessary to have a policy basis where a third party seeks proposes such a development. It is recommended that this policy be retained with some minor revisions which to bring it into line with the SPPS, and where appropriate, changes should be made to make policy wording more positive, user-friendly and less repetitive.

WM 4 – LAND IMPROVEMENT

5.10 The above policy relate specifically to the disposal of inert waste by its deposition on land.

5.10.1 **APPROACH 1:** Retention of existing policy WM4.

5.10.2 **APPROACH 2:** Retain policy WM4 with modifications in line with SPPS.

5.10.3 **PREFERRED APPROACH 2** - It is suggested that this policy should be retained as it offers a policy basis for the considerations of proposals which involve the improvement of land quality rather than the disposal of waste. The reference to BPEO is no longer relevant within this context and some minor alterations to wordings should be made too.

WM 5 - DEVELOPMENT IN THE VICINITY OF WASTE MANAGEMENT FACILITIES

- 5.11 The above policy relates specifically to the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs).
- 5.11.1 **APPROACH 1:** Retain existing policy WM5.
- 5.11.2 **APPROACH 2:** Retain policy WM5 with modifications in line with SPPS
- 5.11.3 **APPROACH 2:** It is suggested that this policy should be retained as it provides a policy basis for the consideration of development within the proximity to potential sources of pollution. In addition, there is scope to tailor the wording to incorporate elements of the SPPS such as Para 6.315 which states that '*LDPs should also identify the need for appropriate waste management facilities within new development.*'

6.0 Conclusion

- 6.1 In conclusion, the LDP needs to look at how we can seek to facilitate and develop waste management development in our district to ensure that its location and scale will not impact on our built and natural environmental assets. There is a need to strike a balance between promoting waste management development as a means of meeting the requirements of the NI Waste Management Strategy, through the development of an integrated network of waste management infrastructure for the district, against the need to protect and enhance the built and natural environment of the district.
- 6.2 In light of the review of the policies contained with PPS 11, as well as discussion held with Members and the Development Management Team, it is recommended that the majority of the policies should be retained, albeit with some amendments.

Recommendations

- 6.3 Sustainable waste management is essential for the health and well-being of society, and our quality of life. Waste can also be considered as a resource, with potential for energy generation, or employment, or employment creation. The LDP will seek to protect committed waste related capital projects and assess the likely extent of future management facilities for the District in conjunction with the relevant bodies, taking account of the Northern Ireland Waste Management Strategy.

However, in the absence of any firm proposals at this stage from the relevant authorities responsible for delivering waste infrastructure, further feedback will be needed to enable the LDP to be fully informed of future proposals. Any draft policies will be subjected to Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) at the appropriate LDP Plan Strategy stage.