

Shaping Our Place 2026

Local Development Framework

Core Strategy

Policy Direction Paper
Waste

January 2010

CORE STRATEGY POLICY DEVELOPMENT

Theme (Policy): Waste Management

Preferred Policy Direction

The results of the Developing Options Consultation 2008 and the evidence base have provided an emerging set of preferred directions for waste policies. The preferred approach of the Core Strategy is based on option 1 as suggested in the 2008 consultation. The preferred policies would:

1. Identify broad locations for an identified range of waste management facilities;
2. Encourage sustainable waste management development which supports the waste hierarchy. This will ensure that waste reduction, re-use, recycling and composting are prioritised, encourage the use of emerging technology and will help to tackle climate change;
3. Support proposals to meet adopted waste recovery targets for specified waste streams including agricultural, municipal, commercial and industrial wastes. This may include at least 2 hectares to accommodate municipal recycling and composting and at least 8-10 hectares for commercial and industrial waste. In addition, the use of integrated waste management plans will be encouraged as part of new strategic developments; and
4. Allow for the preparation of a specific waste Development Plan Document if changes in circumstances justify one during the Core Strategy plan period.

1.0 Introduction

- 1.1 This section provides background information and evidence to support the policy directions that will form part of the Place Shaping Paper, January 2010. The full policy wording will form part of the pre-submission Core Strategy.
- 1.2 The Core Strategy will set out the vision and objectives for the Herefordshire Local Development Framework (LDF), together with the Place Shaping Policies at a strategic level, explaining how the county as a whole is expected to develop up to 2026.

1.3 This report seeks to address the following questions:

What is the current situation (issues)?

What is the national, regional and local policy framework?

What is the available evidence base indicating?

What can the Core Strategy do?

What were the results, indications from the Developing Options Consultation?

What further consultation has taken place?

What conclusions can be drawn?

What happens next?

2.0 The Need for the Policy

2.1 The council commissioned Entec to establish a waste context for the LDF and review all policy from international to local level and furthermore to review future requirements for the plan period and beyond. Their final report published in May 2009¹ highlights numerous guidance and other documents with targets and objectives at all levels, reference to this document should be made when considering the need for policy further.

2.2 The Entec Report highlights the need for waste policies in the LDF. This is justified with requirements from national and regional government policy and notes the associated fines for non compliance with the European Landfill Directive which sets targets that the UK must meet. Historic rates of landfilling wastes can therefore no longer be accepted. Alternative means are required for managing waste, recovering value and treating wastes, including hazardous waste.

2.3 The current situation in the State of Herefordshire Report 2009 states the current situation that “whilst households in Herefordshire are producing less waste and less waste is going to landfill, it is still more than in most local authorities in England”². In 2007-2008 70% of household waste was landfilled and 30% was either re-used, recycled or composted. This situation

¹ Herefordshire Minerals and Waste Planning Assessment Final Report 28th May 2009, Entec UK Limited available at <http://www.herefordshire.gov.uk/docs/23024rr037i4.pdf>

² The Herefordshire Partnership: The State of Herefordshire Report 2009

is considered as a weakness in the State of Herefordshire Report and improvements are needed here in order to meet the necessary targets.

- 2.4 In addition the Core Strategy Developing Options Paper, June 2008 set a context that each Herefordshire household on average generates approximately 522kg of rubbish per year³.

3.0 The Policy Framework

- 3.1 Waste management is driven by both European and national government frameworks that influence waste spatial planning. Landfill Tax and the Landfill Directive are the main drivers for restricting type and quantity of waste that can be landfilled and requires diversions so that wastes can be recovered.

- 3.2 Other Directives include those on waste electrical and electronic equipment, packaging, vehicle end of life, incineration, and mining waste which all have implications for spatial planning. At the local level local authorities are required to produce plans or strategies to achieve targets.

- 3.3 Targets and objectives are set in these documents for landfill diversion, composting, recycling and recovery of waste.

- 3.4 The Community Strategy⁴ sets out the county's aspirations up until 2020 and its vision is that:

"Herefordshire will be a place where, organisations and businesses working together within an outstanding natural environment will bring about sustainable prosperity and well being for all."

- 3.5 The key issues relevant to waste which were identified in partnership with local people are: a safe and pleasant environment to live and work in, business diversification and enterprise, improved public facilities and protecting the environment.

³ Shaping our Place Core Strategy Developing Options Paper June 2008

⁴ The Herefordshire Partnership, The Community Strategy for Herefordshire "A Sustainable Future for the County", 2006

- 3.6 Five guiding principles aim to work towards the county becoming a sustainable county and address these key issues. These principles are to:
- Realise the potential of Herefordshire, its people and communities
 - Integrate sustainability into all our actions
 - Ensure an equal inclusive society
 - Build on the achievement of partnership working and ensure continual improvement
 - Protect and improve Herefordshire's distinctive environment
- 3.7 The Community Strategy has themes and those relevant to waste are: economic development and enterprise that work towards a more adaptable and higher skilled workforce; and safer and stronger communities that are working towards cleaner, greener communities, where people can be active in their communities and where fewer are disadvantaged.
- 3.8 The Local Area Agreement (LAA)⁵ is agreed through partnership working and aims to demonstrate how the county's priorities will be addressed to aid a better life. It has the same themes as the Community Strategy with an additional theme on the environment following the decision to split the combined theme "safer and stronger communities". The priorities relevant for waste under these themes in the LAA are to increase the economic potential of the county, with particular regard to higher skilled and better paid jobs; improve the availability of sustainable services and facilities and access to them; minimise domestic and commercial waste, and increase recycling; and lead to local contribution to climate change reduction.
- 3.9 In order to avoid a situation of having no policies to guide development between the end of the current plan and the adoption of the new Local Development Framework, the council has submitted proposals to save appropriate UDP policies. This process has identified that all the waste policies set out in the UDP should be saved⁶. Including, Policy W1 on new waste management facilities which does repeat location criteria as set out in Annex E of Planning Policy Statement 10, but also has local criteria.

⁵ The Herefordshire Partnership Herefordshire Story of Place Local Area Agreement 2008-2011

⁶ 15th May 2009 Planning Committee Report, Herefordshire UDP Saved Policies

- 3.10 Other policies in the UDP mention the principle of Best Practicable Environmental Option (BPEO) however this is no longer recommended as part of national planning guidance and have been superseded by other environmental assessment techniques. As such these UDP policies will need to be replaced.
- 3.11 The Inspector's Panel Report on the RSS asserts that waste should be considered as a resource and managed accordingly. Waste facilities and their broad locations will need to have strong links with overarching environmental policies and considerations. Policies should also be flexible to deal with changing technologies.
- 3.12 The Entec Report highlights that through the Joint Herefordshire and Worcestershire Municipal Waste Management Strategy 2004-2034 the vision for the strategy has been agreed to "reduce waste and restrict growth; re-use waste; retain waste; recycle waste; recovery of value from residual waste; and final disposal. Refer to the Entec Report for full target and policy information on the strategy.

4.0 Evidence Base

- 4.1 In projecting the waste arisings in Herefordshire over the plan period until 2026, Entec set out assumptions on which the figures are based upon and the details of these can be seen in the Entec Report, May 2009. The report concludes that there will be around a 1 million tonne increase in total waste over the plan period, half of which will comprise agricultural waste. Growth in municipal and commercial and industrial waste will account for between 366,000 and 381,000 tonnes per annum of arisings at 2026, equating to 25% of all waste arisings in the county. Significant capacity increases are needed over the period of the LDF in order to meet recovery targets for these waste streams.
- 4.2 In terms of municipal recycling and composting waste there is a potential capacity shortfall of around 33,750 tonnes. Given typical treatment methods observed elsewhere this would be likely to require facilities covering around 1-2 hectares of land area for strategic facilities, although in vessel composting would be greater with a mix of facilities. 99,000 tonnes for recovery is

required which would typically require an approximate 2 hectare site area which could be higher if out of county landfill capacity is not available. This issue is linked to the potential for flexibility in the council's waste management contract in order to meet the residual waste need.

4.3 Commercial and industrial waste requirements are for provision of around 176,750 tonnes recovery capacity, on the assumption that capacity for 10,000 tonnes is currently available; this is likely to require a total site area of between 8-10 hectares, assuming that waste from outside the Herefordshire sub-region will not be imported to the county.

4.4 In assessing the evidence base the Entec Report categorised waste according to the criteria used by Defra and CLG and drew conclusions for each waste stream, thus:

- Municipal Solid Waste (MSW) (this includes all waste, domestic and commercial, collected and disposed of by the local authority. Herefordshire Council, being a Unitary Authority, has a responsibility both as a Waste Collection Authority and a Waste Disposal Authority). Herefordshire Council and Worcestershire County Council have a joint contract and, therefore, it is reasonable to see the two counties as one area for the purposes of RSS Policy W1 (which seeks to balance imports and exports of waste for each upper tier authority in the region). The means by which the two counties will deal with the residual MSW stream is, as yet, unknown as the new Waste contract is in negotiation and Worcestershire County Council is in the process of preparing its own Waste Core Strategy – due to reach Preferred Option stage during 2010. Until such time as the contractor has selected and developed a site for residual waste treatment it cannot be assumed that the primary site for dealing with this waste stream will be in the county. Thus, at this stage the policy needs to allow for waste collection, sorting and transfer facilities. It would be premature to identify a major new site for waste treatment for this waste stream, but the possibility can not be ruled out.
- Commercial and Industrial Waste (C and I). This is a significant and increasing waste stream which contains a very wide range of waste types from the relatively innocuous and easy to recycle materials such as paper and glass, to such difficult materials such as unwanted chemicals and

hazardous wastes. Some of this waste will need to be dealt with by specialist facilities which may involve treatment, sorting and transfer and/or a combination of all three. In Development Management terms some of these sites will fall within use class B2 and can be seen as simply adding to the employment land requirement (typically the sources of the wastes are industrial facilities). The policy objectives must follow the “Waste hierarchy” principle of discouraging waste in the first place, and then seeking all opportunities to re-use or recycle waste, before looking to disposal as a last resort. A practical approach would be to add an allowance to the employment land allocations for the large sites, and rely on policies in PPS10 for occasional small sites elsewhere.

- Hazardous Waste – the Entec Report demonstrated that the amounts of such waste in Herefordshire are relatively small and the policies in PPS10 can be relied on to assess small scale proposals.
- Agricultural waste – with the exception of agricultural plastics the agricultural sector does not generate as much non-organic waste as might be expected – there is much re-use of organic derived materials on farms. A policy is needed to allow farmers to diversify into renewable energy schemes. The potential benefits from emerging technology such as small scale on-farm anaerobic digestion (for treating organic waste and generating electricity) needs to be considered. Agricultural plastic is an increasing volume of waste and for the purposes of this paper it has been assumed that it is accounted for in the C and I waste stream as discussed above.
- Construction, Demolition and Excavation (CDE) waste. Owing to the increasing “gate costs” for disposal of CDE waste the larger house builders are very keen to use any surplus ground excavation materials within the site. This becomes straight forward when dealing with large greenfield sites and can be used as a legitimate and practical policy for strategic urban extension sites. It is more difficult to achieve in tightly constrained urban regeneration sites and, on many brownfield sites, the excavated material may be classed as contaminated or hazardous. This can be approached on a site-by-site basis using Site Waste Management

Plans but it may be useful to state, as a policy principle, that construction sites should all seek to be as self contained as practically possible for this waste stream. In the strategic urban extension sites which are anticipated for Hereford in particular this can be further developed in site specific development briefs and/or masterplans. It can also be taken forward in the anticipated Design Code SPD.

- Green Waste “composting” etc. – assuming that the permitted 2 hectare facility at Moreton-on-Lugg⁷ is developed, there will be no need to allocate another strategic green waste site in the county as it would meet the requirements that the Entec Report highlights. Policies should however, allow for the possibility of small scale local facilities where appropriate management arrangements can be put in place, including provision for new and upgraded technology as it becomes available.

4.5 Overall, and looking to the plan period i.e. up to 2026, there is a deficit of disposal and management capacity in the county and further sites will be needed to deal with the waste streams identified above.

5.0 What can the Core Strategy do?

5.1 The Core Strategy, Developing the Vision and Objective Background Paper, July 2009⁸ sets the vision for the county as seeking “...interdependence of...economic prosperity and environmental quality with the aim of increasing the county’s self-reliance and resilience.” A policy on managing waste should relate to this in order to address the key issues, also set out in the July 2009 paper, of “better use of resources” and “provision/access to important services/facilities”.

5.2 The economic prosperity objective, objective 6 in the Core Strategy Developing Options Paper “to provide...cutting-edge environmental

⁷ Application DCCW2008/1832/N Morton-on-Lugg green waste application available at [http://councillors.herefordshire.gov.uk/Published/C00000264/M00002835/AI00016403/\\$DCCW20081832NOPENWINDROWGREENWASTECOMPOSTINGFACILITYATUPPERHOUSEFARMMORETONONLUGG.docA.ps.pdf](http://councillors.herefordshire.gov.uk/Published/C00000264/M00002835/AI00016403/$DCCW20081832NOPENWINDROWGREENWASTECOMPOSTINGFACILITYATUPPERHOUSEFARMMORETONONLUGG.docA.ps.pdf)

⁸ The Core Strategy Developing the Vision and Objective background paper July 2009 is available at [http://www.herefordshire.gov.uk/docs/Vision_and_Objectives_July_2009\(1\).pdf](http://www.herefordshire.gov.uk/docs/Vision_and_Objectives_July_2009(1).pdf)

technologies to new/existing employment land...” could be utilised in the waste sector to process recyclable materials into new products or treat wastes. Provided that there is an end product, in Development Management terms, such uses generally fall within use class B2, although not exclusively.

- 5.3 Objective 8 aims “to improve the economic viability of the market towns, villages and their rural hinterlands by facilitating employment generation and diversification, improving delivery and access to services and realising the value of the environment as an economic asset”. Waste policies could be developed which identify where particular identified types of waste will be dealt with, for example agricultural plastics could be utilised by the waste industry to create new products which generate employment and assist in protecting the environment by removing the waste from landfill or other waste disposal methods.
- 5.4 Objectives 10 and 11 aim “to achieve sustainable communities and protect the environment by delivering ...spaces and buildings, which use land efficiently, ... and are supported by the necessary infrastructure...” and “To address the causes and impacts of climate change by ensuring new development ... minimises waste and pollution...”. These provide an opportunity to develop waste policies that integrate waste separation, recycling and processing at a site level. For example, policies could support on-site re-use and/or recycling of construction, demolition and excavation waste for infrastructure and imaginative landscaping. Within new development the inclusion of energy-from-waste facilities could generate the electricity needed to supply the new development, thus reducing contributions to climate change and reducing waste. A policy could also be included which, supports local community composting schemes for the community to assist in meeting the vision on self reliance and resilience. The Entec Report forecasts an overall requirement of between 8 and 10 hectares for composting on a county-wide basis.
- 5.5 In addition to the above Entec make it clear that the Core Strategy will need to demonstrate how at least 10 years of waste can be managed, in accordance with the annual rates set out in the regional plan, and identify the type(s) of facility that are appropriate. Any policy would need to consider

whether to be proactive and allocate sites for new facilities or to devise a criteria-based policy against which planning applications could be judged.

6.0 Developing Options Consultation Results

6.1 The Developing Options Consultation question 38⁹ on waste management asked:

How should Herefordshire manage the waste it produces?

1. Identify locations where management facilities will be required, for example these could be,
 - a. close to urban centres;
 - b. as part of new urban extensions;
 - c. within areas with good transport links;
 - d. existing/proposed employment sites;
2. Provide a set of generic criteria in a policy for new waste management facilities which would be used to consider planning applications; or
3. Devise a policy whereby all new developments of a certain size will need to be accompanied by provision for or contribution to one or more new local waste facilities.

6.2 Q38 responses.

Option 1: Number of respondents 606

Yes – 94%

No – 6%

Number of no opinion / answer not provided – 376

Option 2: Number of respondents 485

Yes – 81%

No – 19%

Number of no opinion / answer not provided – 497

Option 3: Number of respondents 612

Yes – 85%

No – 15%

⁹ Core Strategy Developing Options Results Report Survey Report July 2008, January 2009

Number of no opinion / answer not provided – 370

The most desired option was option 1, however all were supported.

6.3 There were 199 additional comments¹⁰ on the sustainable communities section that suggested improvements to the options. The comments that relate to waste included:

- Challenge regional targets to be imposed locally
- Need policy to encourage/enforce sustainable measures
- Improvements needed in waste management including more recycling (a top 10 response), i.e. identify waste disposal methods which should include, waste reduction up front and composting, energy from waste and incineration, i.e. burning of waste
- Need a policy on waste management
- Use local biodigestors for waste
- Use Sustainable Communities Act
- Identify broad locations for waste and minerals using generic criteria
- Need to distinguish the difference between waste management and waste disposal
- Distinguish between sorting and disposal facilities
- Policies on location of new waste facilities should refer to “groundwater protection policy and practice” (this is a plan which needs to be in the plans and programme section)
- Threshold for option 3 is not unduly generous

6.4 Colleagues within the Economic Regeneration Section¹¹ considered that Option 1 with some amendments, such as building flexibility in to the policy would be the most preferred. Herefordshire Environment Partnership¹² also supported innovative schemes to harness the value of waste, energy from waste including making oil based fertiliser, and that local waste and

¹⁰ Core Strategy Developing Options Analysis Schedules March 2009

¹¹ Memo dated 30th July 2008 economic regeneration response to developing options paper, 2008

¹² E-mail dated 3rd December 2008 Herefordshire Environment Partnership response to developing options paper 2008

composting management will be integral to every market town and its surrounding area.

6.5 There did not strictly appear to be an identifiable alternative to the options but the following comment could influence a new waste policy direction:

- Policies should take account of long term climatic and technological developments

6.6 The consultation responses would suggest that the policy direction on waste should consider the following:

1. Identify broad locations for an identified range of waste management facilities, such as waste biodigestors.
2. Be more strictly worded to ensure sustainable waste measures.
3. Ensure that reduction, re-use, recycling and composting is high on the policy agenda.
4. Ensure that policy wording clarifies the difference between waste management and waste disposal.
5. Climatic and technological developments should be integrated into policy.

6.7 The Sustainability Appraisal¹³ compatibility test showed that the relevant Plan objective for waste was compatible with each of the SA objectives or had no relationship with them. All the options were considered to be reasonable but highlighted that the community may have issues with the siting of waste facilities. The assessment of the options revealed that the nature and purpose of waste facilities needs to be clearly defined. Dialogue with the private sector is required in order to understand and consider the industry's needs. Option 1 and 2 were deemed to be neutral whilst option 3 the least sustainable, since it did not address wider energy and climate change issues and is a reactive waste policy option. Option 2 was also considered to be reactive, as no certainty for the developer was likely. Option 1 is dependent on implementation and although financially could prove to be expensive in the short term proper utilisation of facilities is essential to ensure the investment is economically viable and fit for purpose.

¹³ Core Strategy Developing Options Paper Sustainability Appraisal June 2008 (amended March 2009)

6.8 In terms of Habitat Regulation Assessment¹⁴ Option 1 identified increased air pollution from traffic, soil structure impacts from acidity and nitrogen enrichment, and water quality as issues. Option 2 was the same but made reference for the potential for effects to be avoided or then mitigated by use of criteria based policy. Option 3 is also similar to Option 1 although could have wider implications and therefore the cumulative impacts of all facilities need to be considered.

6.9 No clear alternatives from the SA or HRA assessment process were identified.

7.0 Place Shaping Paper, January 2010

7.1 All of the above have shaped the Waste Policy Direction and a summary of this can be viewed on the first page. The Place Shaping Paper, January 2010, includes this wording and will be consulted upon.

8.0 Further Consultation Undertaken and Sustainability Appraisal

8.1 In addition to involving relevant Council Officers it is proposed to consult a number of organisations in developing the policy wording including, Worcestershire County Council, RTAB, Herefordshire Partnership, Environment Agency, Hereford and Worcester FWAG and NFU West Midlands.

8.2 Also, SA and HRA assessments will be undertaken to assist in developing the policy wording prior to submission.

9.0 Conclusions

9.1 The preferred direction for the waste option can be developed based on the Entec Report which has moved the subject on significantly from the Developing Options Paper.

¹⁴ Core Strategy Habitat Regulation Assessment June 2008 (amended March 2009)

- 9.2 Option 1 was the preferred choice at Developing Options stage and effectively allows wide discretion as to how to take this forward.
- 9.3 At Developing Options stage the Government Office for the West Midlands suggested that broad locations should be highlighted in the Core Strategy. It is not practical to identify specific sites in advance of knowing the technologies to be used or the likely operators of any facilities. However, for certain waste streams a clear direction has emerged from the Entec Report.
- 9.4 None of the additional responses provided a new or realistic alternative option to the 3 options published in the Developing Options Consultation. The comments made tended either to suggest additions or deletions to the proposed options or made reference to detailed policy issues which will either be covered in the Core Strategy policies or within any subsequent DPDs (these comments are summarised in paragraph 6.6 above).
- 9.5 The most practical option would be to develop policies for the principal waste streams as outlined in the policy direction on the first page but also to recognise Defra and CLG, and also as summarised in paragraph 4.4 above.

10.0 Way Forward

- 10.1 Other studies such as the Green Infrastructure Study are needed to inform policy writing and information from future SA and HRA processes. The broader strategic relationships between waste management facilities, transportation, landscapes and biodiversity need to be clearly defined and assessed. Newly emerged policy directions will be drafted and subjected to the necessary SA and HRA assessments. Policy wording will be formulated for the submission document based on the evidence in the Entec Report and further work on the Joint Municipal Waste Strategy for Herefordshire and Worcestershire. It will then be assessed under the SA and HRA processes once more, prior to the formal consultation upon the submission document.

Appendix A – References

- Herefordshire Minerals and Waste Planning Assessment Final Report 28th May 2009, Entec UK Limited available at
<http://www.herefordshire.gov.uk/docs/23024rr037i4.pdf>
- The Herefordshire Partnership: The State of Herefordshire Report 2009
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- The Herefordshire Partnership, The Community Strategy for Herefordshire “A Sustainable Future for the County”, 2006
- The Herefordshire Partnership Herefordshire Story of Place Local Area Agreement 2008-2011
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-