

# **Review of the Devon Waste Plan**

Topic Paper 2:

Review of consistency with National Policy

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**Devon County Council**  
County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD



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## **1.1. Introduction**

- 1.1.1. This report provides a consideration of how national planning policy has changed since the adoption of the Waste Plan and an assessment of the Waste Plan's conformity with current national planning policy. It also considers other national policy drivers, and whether these are reflected appropriately in the Waste Plan.

## **1.2. Context**

- 1.2.1. Section 2.2 of the Waste Plan, specifically paragraph 2.2.2, provides the national planning policy context within which the Waste Plan was prepared. This indicates that the preparation of the Waste Plan had regard to both the National Planning Policy Framework (NPPF), the National Planning Policy for Waste (NPPW), as well as the Waste Management Plan for England.

## **1.3. National Planning Policy Framework**

- 1.3.1. The NPPF has been updated twice since the adoption of the Waste Plan. The first update published in July 2018 implemented a number of reforms announced previously through the Housing White Paper, the 'planning for the right homes in the right places' consultation and the draft revised National Planning Policy Framework consultation. Further to this, very minor changes to the text were made following a technical consultation and the most recent version was published in February 2019.
- 1.3.2. The changes to the NPPF include encouragement towards strategic plan-making. Linked to this is the strengthening of the duty to co-operate with the addition of a requirement for the preparation of statements of common ground during plan preparation. These are required to document the cross-boundary issues to be addressed through plan and the progress in dealing with them.
- 1.3.3. Other NPPF revisions include (but are not limited to):
- uses of land and developing green and brownfield land;
  - greater emphasis on design of development;
  - more guidance on the change of use of land in the Green Belt;
  - more guidance on flood risk;
  - consideration of undeveloped coasts and public access to the coast;
  - more guidance on designated landscapes;
  - consideration of ground conditions and impacts of air quality on natural environment; and
  - greater emphasis on energy security.
- 1.3.4. Whilst amendments have been made in a number of areas, the key principles at the heart of the NPPF have not fundamentally changed. A large number of changes impact upon the way in which local planning authorities plan for housing development and therefore are not relevant to the Waste Plan.
- 1.3.5. In order to consider whether the Waste Plan is still consistent with the NPPF, an assessment of alignment to the Waste Plan policies has been undertaken. This has sought the input of specialist officers at the County

Council with regard to biodiversity, flooding, historic environment and landscape. A small number of minor suggestions were made (in relation to policies W12: Landscape and Visual Impact and W19: Flooding) which would enhance alignment to the updated version of the NPPF, however the Waste Plan policies remain fundamentally aligned to national planning policy.

- 1.3.6. Appendix 1 sets out the relationship between the Waste Plan policies and the NPPF.
- 1.3.7. This indicates that the Waste Plan policies continue to be consistent with the current NPPF and the revised NPPF does not result in the need for an update of Waste Plan policies at this time.

#### **1.4. National Planning Policy for Waste**

- 1.4.1. During the preparation of the Waste Plan, the government were in the process of preparing the NPPW which would supersede PPS10 following its publication. This meant it was necessary for the Waste Plan to reflect this emerging policy. This matter was considered through the examination of the Waste Plan and addressed in paragraph 22 of the Inspector's report which highlights:

*"In July 2013, the Department for Communities and Local Government entered into a consultation on waste policy that would replace that set out in Planning Policy Statement 10. This emerging policy was discussed, where appropriate, at the examination hearings. I have had regard to the consultation draft in writing this report. However, at the time of writing, the final version of the policy has not been published."*

- 1.4.2. The Inspector's report was received on 6<sup>th</sup> October 2014 and the NPPW was published shortly after on 16<sup>th</sup> October 2014. When approval to adopt the Waste Plan was sought in November 2014, an assessment of conformity with the NPPW was included<sup>1</sup> outlining how the Waste Plan met the requirements of the NPPW. The conclusion was that the Plan is in conformity with the NPPW and the Development Management Committee endorsed that conclusion.
- 1.4.3. The NPPW has not been updated since its publication and, therefore, the Waste Plan remains in conformity with this national policy document and as such it is not necessary to update the Waste Plan policies at this time.

#### **1.5. Waste Management Plan for England**

- 1.5.1. Whilst not representing planning policy, the Waste Management Plan for England<sup>2</sup> also formed part of the national policy context when preparing the Waste Plan. This document was published in December 2013 and has not

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<sup>1</sup> Appendix I

[https://democracy.devon.gov.uk/celestdocuments.aspx?MID=835&DF=26%2f11%2f2014&A=1&R=0&F=embed\\$text%20only-pte1483.htm](https://democracy.devon.gov.uk/celestdocuments.aspx?MID=835&DF=26%2f11%2f2014&A=1&R=0&F=embed$text%20only-pte1483.htm)

<sup>2</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/265810/pb14100-waste-management-plan-20131213.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/265810/pb14100-waste-management-plan-20131213.pdf)

been updated since and therefore the Waste Plan policies remain consistent with this document.

## 1.6. Other policy change drivers

- 1.6.1. In addition to the national policy discussed above, there have been a number of other government publications which have are relevant to the Waste Plan policies. Many of these are currently under preparation with final outcomes not being known at this stage. These are discussed below.

## 1.7. 25 Year Environment Plan

- 1.7.1. In January 2018, the Government published “*A Green Future: Our 25 Year Plan to Improve the Environment.*”<sup>3</sup> The plan sets out the Government’s goals for improving the environment within a generation and leaving it in a better state than we found it. It details how government will work with communities and businesses to do this. The Plan sits alongside two other important government strategies: The Industrial Strategy and the Clean Growth strategy.
- 1.7.2. The Plan sets out a number of policies. Chapter 4 focuses on ‘*Increasing resource efficiency and reducing pollution and waste*’. Policies include:
- I. Achieving zero avoidable plastic waste by the end of 2042
  - II. Reducing food supply chain emissions and waste
  - III. Reducing litter and littering
  - IV. Improving management of residual waste
  - V. Cracking down on fly-tippers and waste criminals
  - VI. Reducing the impact of wastewater
- 1.7.3. Other elements of the 25 Year Environment Plan have the potential to impact upon the Waste Plan. Notably the proposal to embed an ‘environmental net gain’ principle for development. This has since been subject to government consultation in 2019 and government is now in the process of mandating net gains for biodiversity through the Environment Bill. The Bill is currently being considered by a Public Bill Committee which is expected to report to the House of Commons by 5<sup>th</sup> May 2020.
- 1.7.4. Part 6 of Policy W11: Biodiversity and Geodiversity of the Waste Plan currently states that, “*Waste management development proposals will be permitted where they result in a net gain for wildlife proportionate to the nature and scale of the proposal*”. In this regard a requirement for net gain is already incorporated to the policy.

## 1.8. The Industrial Strategy

- 1.8.1. The strategy<sup>4</sup> sets out how the government intends to build a Britain fit for the future – helping businesses create better, higher-paying jobs with investment in the skills, industries and infrastructure of the future.
- 1.8.2. Reducing waste and treating unavoidable waste as a valuable resource feature strongly within the circular economy agenda outlined in the strategy.

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<sup>3</sup> <https://www.gov.uk/government/publications/25-year-environment-plan>

<sup>4</sup> <https://www.gov.uk/government/publications/industrial-strategy-building-a-britain-fit-for-the-future>

The circular economy replaces extraction and waste with restoration and regeneration. Products, components and materials are reused in ways that maintain their utility and value as they move through biological and technical cycles. Measures to move towards a circular economy are proposed, with specific measures relating to waste including:

- 20 per cent per capita reduction in food waste by 2025;
- Continually strengthening policies in line with national ambitions of zero avoidable waste and a doubling of resource productivity by 2050, including through our 25-year Environment Plan and a new strategy for resources and waste.

1.8.3. The 'circular economy' is a new term which has been introduced over the last five years and it does not feature in the adopted Waste Plan. Despite this, the concept of reducing waste and treating unavoidable waste as a valuable resource is not new and is embedded in the Waste Plan.

## **1.9. The Clean Growth Strategy**

1.9.1. This strategy<sup>5</sup> sets out our proposals for decarbonising all sectors of the UK economy through the 2020s. It explains how the whole country can benefit from low carbon opportunities, while meeting national and international commitments to tackle climate change. It sets out a number of key policies and proposals in relation to waste, including:

- Work towards our ambition for zero avoidable waste by 2050, maximising the value we extract from our resources, and minimising the negative environmental and carbon impacts associated with their extraction, use and disposal;
- Publish a new Resources and Waste Strategy to make the UK a world leader in terms of competitiveness, resource productivity and resource efficiency;
- Explore new and innovative ways to manage emissions from landfill;
- Innovation: Invest £99 million in innovative technology and research for agri-tech, land use, greenhouse gas removal technologies, waste and resource efficiency.

1.9.2. The Waste sector has a key role to play in decarbonising the UK economy. The Waste Plan incorporates numerous measures to assist in achieving this objective. This includes managing waste in accordance with the waste hierarchy and using residual waste to efficiently generate renewable and low carbon energy. There is also the opportunity to design waste management facilities to minimise energy demand and heat loss as well as incorporate renewable and low carbon energy to meet on site need.

## **1.10. Our Waste, Our Resources: A Strategy for England**

1.10.1. Published in December 2018, this strategy<sup>6</sup> sets out how material resources

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<sup>5</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/700496/clean-growth-strategy-correction-april-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf)

<sup>6</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765914/resources-waste-strategy-dec-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf)

will be preserved by minimising waste, promoting resource efficiency and moving towards a circular economy in England. It also outlines how the damage caused to our natural environment will be minimised by reducing and managing waste safely and carefully.

- 1.10.2. The strategy includes a number of measures for Waste Disposal Authorities (WDAs) and Waste Collection Authorities (WCAs) to implement, although there are implications upon waste planning policy.
- 1.10.3. Although now formalised through the publication of the strategy, these key themes set out had already been identified when the Waste Plan was being developed, including minimising waste, resource efficiency and moving towards a circular economy.
- 1.10.4. The strategy includes a number of key milestones including:
  - 50% recycling rate for household waste by 2020
  - 65% recycling rate for municipal solid waste by 2035
  - Municipal waste to landfill 10% or less by 2035.
- 1.10.5. Devon is already achieving the 50% recycling rate for household waste (55% in 2018/19). The Waste Plan aims to achieve a 64% LACW recycling rate by 2024/25 and maintain that rate to the end of the plan period, this is therefore in line with the national aim to achieve 65% by 2035. Finally, the Waste Plan includes ambitious targets to reduce the amount of LACW (municipal waste) to landfill, with the aim to reduce amounts to no more than 5% of the total produced. This exceeds the government target of 10%.

## **1.11. Summary**

- 1.11.1. Whilst the NPPF has seen updates in a number of areas, fundamentally the overarching objectives and principles have not changed and therefore the Waste Plan policies remain in conformity with this national planning policy.
- 1.11.2. With regard to the NPPW, this has not changed since the adoption of the Waste Plan and therefore the Plan policies continue to be in conformity. At the time of writing it is understood that an update to the NPPW is due. The County Council will consider the implications of any update as and when it is published.
- 1.11.3. The wider government policy context has evolved significantly since the adoption of the Waste Plan, with the publication of numerous reports setting out targets and measures to be implemented in order to work towards clean growth and a sustainable circular economy.

## **1.12. Conclusion**

- 1.12.1. The Waste Plan policies remain in conformity with national planning policy and as such at this time it is not necessary to update the Plan in this regard. This should be reconsidered when these documents are updated by government in due course. It is also necessary to continue monitoring other national policy developments which may have implications on the Waste Plan.

**APPENDIX 1: REVIEW OF WASTE PLAN CONSISTENCY WITH THE NATIONAL PLANNING POLICY FRAMEWORK**

| <b>Waste Plan Policy</b>                             | <b>Relevant sections of the NPPF (February 2019)</b>  | <b>Is there alignment between the Waste Plan policy and the NPPF</b>   |
|--|---|--|
| W1: Presumption in favour of sustainable development | Section 2 – Achieving sustainable development.<br>Para 11 - the presumption in favour of sustainable development. | Yes – policy W1 supports the overarching objectives set out in this part of the NPPF. The wording in parts 3 a and b of W1 is not identical to 11 c and d of para 11 but it embodies the same principles.  |
| W2: Sustainable Waste Management                     | Section 2 – Achieving sustainable development. Para 7, 8 and 9.   | Yes – the criteria provided in Policy W2 cut across the three overarching objectives (economic, social and environmental) set out in para 8 and works towards their achievement.   |
| W3: Spatial Strategy                                 | Section 3 – Plan making.<br>Strategic policies, para 20.  | Yes - this part of the NPPF is focused upon LPA Local Plans rather than WPA Waste Plans, however, it does state, “Strategic policies should set out an overall strategy for the pattern, scale and quality of development”. Part d specifically refers to waste management facilities. This is provided through Policy W3. |
| W4: Waste Prevention                                 | Section 2 Achieving sustainable development. Para 8 part c.   | Yes – Policy W4 seeks to ‘minimise waste’ which is included as a key element of the environmental objective in achieving sustainable development.  |
| W5: Reuse, Recycling and Materials Recovery          | Section 2 Achieving sustainable development.<br>Para 8 part c.  | Yes. Whilst the NPPF does not specifically refer to reuse, recycling and materials recovery, inherently these processes seek to reduce the need for natural resources and therefore reflect the environmental objective embedded within achieving sustainable development.   |



| Waste Plan Policy         | Relevant sections of the NPPF (February 2019)  | Is there alignment between the Waste Plan policy and the NPPF  |
|---------------------------|--|--|
| W6: Energy Recovery       | <p>Section 2 Achieving sustainable development.</p> <p>Section 14 meeting the challenge of climate change, flooding and coastal change.</p> <p>Section 15 Conserving and enhancing the natural environment</p> | <p>Yes. Similarly, to W5 above, the NPPF does not specifically refer to energy recovery from waste, however inherently this process seeks to reduce the need for natural resources (i.e. energy from fossil fuels) and therefore reflects the environmental objective embedded within achieving sustainable development.</p> <p>Part 4 of W6 which seeks to ensure there are no unacceptable impacts upon Natura 2000 sites reflects the approach in Section 15 of the NPPF on Conserving and enhancing the natural environment.</p> <p>Para 20 indicates strategic policies should make sufficient provision for energy (including heat). Para 148 states the planning system should support renewable and low carbon energy and associated infrastructure.</p> |
| W7: Waste Disposal        | <p>Section 2 Achieving sustainable development.</p> <p>Section 15 Conserving and enhancing the natural environment</p>   | <p>Yes. As above, the NPPF does not specifically refer to the disposal of waste, however the approach adopted in W7 which seeks to minimise the amount of waste sent for disposal supports the principles of sustainable development as reflected in section 2 of the NPPF.</p> <p>Part 5 of W7 which seeks to ensure there are no unacceptable impacts upon Natura 2000 sites reflects the approach in Section 15 of the NPPF on Conserving and enhancing the natural environment.</p>  |
| W8: Waste Water Treatment | Section 3. Plan making   | <p>Yes. The NPPF recognises the need for strategic policies to plan sufficiently for wastewater (para 20 b). Part 1 c of W8 seeks to ensure the impacts of this type of development does not have significant adverse impacts on a number of receptors which aligns with the approach set out in the NPPF.</p>   |

| <b>Waste Plan Policy</b>                     | <b>Relevant sections of the NPPF (February 2019)</b>   | <b>Is there alignment between the Waste Plan policy and the NPPF</b>   |
|--|--|--|
| W9: The Management of Special Types of Waste | Section 2 Achieving sustainable development.   | The NPPF does not deal with the management of special types of waste. Policy W9 recognises the need to avoid adverse impacts on local communities and the environment which aligns with the objectives of sustainable development as set out in the NPPF.  |
| W10: Protection of Waste Management Capacity | Section 2 Achieving sustainable development.   | The NPPF does not address the need to protect waste management capacity. However this policy seeks to ensure the continued operation of important waste management facilities and ensure occupants of potential development proposals are not negatively impacted upon and therefore supports the objectives of sustainable development as set out in the NPPF.                                |
| W11: Biodiversity & Geodiversity             | Section 15 – Conserving and enhancing the natural environment<br>Para 174, 175, 176 & 177 – habitats and biodiversity.   | Yes - policy W11 supports the overarching objectives set out in this part of the NPPF.<br>W11 is split into 5 sections, and the NPPF covers these sections over paragraphs 174 – 177. The wording isn't identical, but the policy is in line with the objectives.  |
| W12: Landscape and Visual Impact             | Section 15 – Conserving and enhancing the natural environment<br>Para 170 & 172 – Conserving and enhancing the natural environment   | Yes – policy W12 supports the overarching objectives set out in this part of the NPPF. The wording in parts of W12 is not identical to para 170 a, b & d but it embodies the same principles. Similarly, with para 172, the overarching principles are there.  |
| W13: The Historic Environment                | Section 16 – Conserving and enhancing the historic environment<br>Para 184 – overarching objective for conserving and enhancing the historic environment.<br>Para 185 - Plans should set out a positive strategy for the | Yes – policy W13 supports the overarching objectives set out in paragraphs 184 and 185. Whilst slightly restructured and some additional wording has been added (simply outlining the wide range of heritage assets), these paragraphs remain fundamentally unchanged from paragraph 126 of the 2012 NPPF under which the Waste Plan was prepared and as such the policy remains in alignment. |

| <b>Waste Plan Policy</b>                   | <b>Relevant sections of the NPPF (February 2019)</b>  | <b>Is there alignment between the Waste Plan policy and the NPPF</b>  |
|--|---|---|
|  | <p>conservation and enjoyment of the historic environment<br/>           Para 189 – assessment of significance of heritage assets affected<br/>           Para 190 – Proposals affecting heritage assets<br/>           Paras 194-198 – Considering potential impacts and public benefit<br/>           Para 199 – archaeological/historic building mitigation<br/>           Para 200 – enhancing the historic environment</p> | <p>The second sentence in part 1 of policy W13 reflects the requirements set out in para 189 to assess the significance of any heritage assets affected by development proposals.</p> <p>Para 190 advises that proposals should seek to ‘avoid or minimise’ any conflict between the heritage asset’s conservation and any aspect of the proposal and this is reflected in parts 1 and 2 of Policy W13.<br/>           Paragraphs 194-198 set out how local planning authorities should deal with harm to the historic environment. Policy W13 incorporates the key elements of this and is also compliant with paras 199 and 200.</p>  |
| W14: Sustainable and Quality Design        | <p>Section 12 – Achieving well-designed places<br/>           Para 124 &amp; 127<br/>           Section 14 – Meeting the challenge of climate change, flooding and coastal change<br/>           Para 149 – Planning for climate change</p>   | <p>Yes – Policy W14 supports the overarching objectives set out in paragraphs 124, 127 &amp; 149 of the NPPF. The wording is not identical, but Policy W14 follows the same principles, which is to achieve sustainable development. Paragraph 127 focuses on what planning policies and planning decisions should ensure in order to achieve well-designed places. Policy W14 incorporates a similar directive.<br/>           Paragraph 149 of the NPPF looks for policies to take a proactive approach to mitigating and adapting to climate change, as well as ensuring the future resilience of communities and infrastructure to climate change impacts. Again, Policy W14 embodies similar principles.</p> |
| W15: Infrastructure and Community Services | <p>Section 3 – Plan making<br/>           Para 20 – strategic policies</p>  | <p>Yes – paragraph 20, part b states that strategic policies should make sufficient provision for infrastructure including energy (including heat) and water supply. Policy W15 seeks to ensure waste management development makes efficient use of these infrastructure services and does not significantly adversely affect them.</p>   |

| <b>Waste Plan Policy</b>       | <b>Relevant sections of the NPPF (February 2019)</b>  | <b>Is there alignment between the Waste Plan policy and the NPPF</b>  |
|--------------------------------|---|---|
| W16: Natural Resources         | Section 15 – Conserving and enhancing the natural environment<br>Para 170 – Conserving and enhancing the natural environment  | Yes - Policy W16 supports the overarching objectives set out in para 170 b, e & f and embodies the same principles.   |
| W17: Transportation and Access | Section 9 – Promoting sustainable transport<br>Para 108, 109 & 110 – Considering development proposals  | Yes - Policy W17 supports the overarching objectives set out in these three paragraphs of the NPPF. The wording in parts of W17 is not identical to the paragraphs, but it embodies the same principles.  |
| W18: Quality of Life           | Section 15 – Conserving and enhancing the natural environment<br>Para 180 – ground conditions and pollution<br>Section 12 – Achieving well-designed places<br>Para 127 – Achieving well-designed places | Yes - Policy W18 supports the overarching objectives set out in paragraph 180. The paragraph states that development should be appropriate for its location and considers the likely effects of pollution on health, living conditions and the natural environment. Policy W18 sets out that peoples' quality of life and amenity will be protected. Therefore, it is considered the policy incorporates the same principles.<br>Policy W18 also supports the overarching objectives set out in paragraph 127-part a and f of the NPPF. |
| W19: Flooding                  | Section 14 – meeting the challenge of climate change, flooding and coastal change<br>Para 150 – Planning for climate change<br>Para 155, 156, 157, 158, 159 & 160 – Planning and flood risk             | Yes - Policy W19 supports the overarching objectives set out in these paragraphs of the NPPF. The wording in parts of W19 is not identical to the paragraphs, but it embodies the same principles. Which is, inappropriate development should be avoided. Where development is necessary in such areas, development should be made safe for its lifetime and not increase flood risk elsewhere.   |

| <b>Waste Plan Policy</b>                   | <b>Relevant sections of the NPPF (February 2019)</b>   | <b>Is there alignment between the Waste Plan policy and the NPPF</b>   |
|--|--|--|
| W20: Restoration & Aftercare               | Not applicable – there are no relevant sections in the NPPF that outline restoration and aftercare for waste, only minerals development. | Not applicable – there are no relevant sections in the NPPF that outline restoration and aftercare for waste, only minerals development.   |
| W21: Making Provision for Waste Management | Section 3 – Plan Making<br>Para 20 – Strategic policies  | Yes – paragraph 20 of the NPPF states that policies should ensure sufficient provision is made within developments for waste management. Policy W21 is in conformity as it provides the criteria which proposals for major non waste development must demonstrate in order to meet this requirement. |