

# Merseyside Joint Waste Development Plan Document

## APPENDIX 4

### POLICY CONTEXT AND REVIEW

#### European, National, Regional and Sub-regional Policy Context

##### 1.0 Introduction

##### 2.0 European and National Policy

2.1 The European Union produces directives to take forward its commitment to sustainable development policy. Sustainable development is the object of achieving a better quality of life for everyone, now and for future generations. A widely used international definition is:

*Development which meets the needs of the present without compromising the ability of future generations to meet their own needs. ('The Brundtland Report')*

2.2 A key part in achieving this concept is the sustainable use of resources, and following through from this is the minimisation and sustainable management of waste. The objective of achieving sustainable development is a fundamental guiding principle in planning guidance from national to local policy levels, and will be important in the preparation of the waste DPD.

##### Landfill Directive

2.3 One of the principal legislative changes is the EU Landfill Directive. Its key objectives are to ensure high and consistent standards of landfill practice across the European Union, and to stimulate recycling and the recovery of value from waste, and reduce methane emissions from landfill. Methane is a powerful greenhouse gas which is formed during the decomposition of biodegradable wastes in landfill sites. The Directive sets targets for a phased reduction in the amount of biodegradable municipal waste being sent to landfill.

- By 2010, to reduce the quantity of biodegradable municipal waste going to landfill to 75% of 1995 levels;
- By 2013, to reduce the quantity of biodegradable municipal waste going to landfill to 50% of 1995 levels; and
- By 2020, to reduce the quantity of biodegradable municipal waste going to landfill to 35% of 1995 levels.

2.4 The compliance dates reflect an agreed delay of four years for those countries (including the U.K.) which have a heavy reliance on landfill as the main means of waste management. The references to 1995 levels are for arisings not disposal quantities.

2.5 In the UK, the directive has been implemented by introduction of the Landfill (England and Wales) Regulations 2002. The regulations have the following implications.

- Landfills have been reclassified into 3 categories: hazardous, non-hazardous or inert, according to the types of waste they receive.

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- Applications for pollution prevention control permits have to be submitted for landfill sites which continue to operate.
- The pre-treatment of hazardous waste is required prior to disposal.
- The practice of co-disposal of hazardous and non-hazardous waste is banned.
- New European Waste Acceptance Criteria will apply.
- Landfilling of whole tyres was banned in June 2003, and shredded tyres will be banned in 2006.

2.6 To assist in achieving these targets the Government enacted the Waste and Emissions Trading Act which restricts the amount of biodegradable municipal waste that local authorities can send to landfill by introducing a system of tradable allowances - the Landfill Allowance Trading Scheme (LATS). Each Waste Disposal Authority has been given a landfill allowance for biodegradable municipal waste for each year to 2020 based on the targets the UK has to meet.

### Directive on Packaging and Packaging Waste

2.7 This has been established in the UK since 1997 and aims to reduce the quantities of packaging entering the waste stream by a minimum of 60% by weight.

### Ozone Depleting Substances Regulation

2.8 This came into effect in October 2001 and requires the removal of ozone depleting substances (ODS) (including CFCs and HCFCs) from refrigeration equipment before such appliances are scrapped.

### The Waste Incineration Directive

2.9 This was implemented in the UK through Regulations in December 2002. It introduced stringent operating conditions and sets minimal technical requirements for waste incineration and co-incineration.

### The End-of-Life Vehicles (ELVs) Directive

2.10 The ELVs Directive passed into European Law in October 2000. It aims to reduce, or prevent, the amount of waste produced from ELVs and increase the recovery and recycling of ELVs that do arise. Whilst the deadline of 21st April 2002 for transposing the Directive into national law has been delayed, the End of Life Vehicle Regulations 2003 came into effect in November 2003. These apply to sites used for the storage and treatment of end-of-life vehicles, requiring operators to hold a site licence if accepting vehicles which have not been de-polluted and setting new minimum technical standards for all sites which store or treat ELVs.

### Waste Electrical and Electronic Equipment (WEEE) Directive

2.11 The WEEE Directive aims to reduce the quantity of waste from electrical and electronic equipment and increase its re-use, recovery and recycling. The Directive affects producers, distributors and recyclers of electrical and electronic equipment - including household appliances, IT and telecoms equipment, audiovisual equipment (TV, video, hi-fi), lighting, electrical and electronic tools, toys, leisure and sports equipment.

2.12 By 31 December 2006, Member States must achieve a collection rate of at least 4 kilograms on average per inhabitant per year of waste electrical and electronic equipment from private households. In July 2006, the DTI issued a consultation Appendices to Accompany the Issue and Options Report

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paper on the draft Regulations and accompanying guidance on implementation of the WEEE Directive.

### Waste Framework Directive

2.13 This Directive provides the overarching legislative framework for the collection, transport, recovery and disposal of waste, and includes a common definition of waste. The Directive requires all Member States to take the necessary measures to ensure that waste is recovered or disposed of without endangering human health or causing harm to the environment and includes permitting, registration and inspection requirements.

2.14 The Directive also requires Member States to take appropriate measures to encourage firstly, the prevention or reduction of waste production and its harmfulness and secondly the recovery of waste by means of recycling, re-use or reclamation or any other process with a view to extracting secondary raw materials, or the use of waste as a source of energy. The Directive's overarching requirements are supplemented by other Directives for specific waste streams.

2.15 The Agricultural Waste Regulations took effect in summer 2005 to extend waste management controls to non-natural agricultural waste.

### Batteries Directive

2.16 The Batteries Directive seeks to improve the environmental performance of batteries and accumulators and of the activities of all economic operators involved in the life cycle of batteries and accumulators, e.g. producers, distributors and end users and, in particular, those operators directly involved in the treatment and recycling of waste batteries and accumulators.

If transposed in the UK, the Directive would reduce the quantity of hazardous and non hazardous waste batteries going to landfill and increase the recovery of the materials they contain. This is consistent with the objectives outlined in the Government's Waste and Sustainable Development Strategies.

The Batteries Directive was agreed in the EU on 2 May 2006. We now await publication in the Official EU Journal from which date we will have 24 months to transpose provisions into national law. It is expected that the Directive will come into force domestically in 2008.

## **3.0 National Guidance**

### The National Waste Strategy 2000 (England and Wales)

3.1 The National Waste Strategy 2000 is currently undergoing review. The consultation period ended in May 2006. The overall objective of a revised waste strategy will be to further reduce the impacts of waste management on the environment, while developing the economic benefit of using waste as a resource and meeting European obligations. To achieve this, the revised waste strategy will offer a clearer longer-term vision for waste and resource management as part of the Government's drive for Sustainable Development, consolidate current policies and set out new proposals agreed after consultation.

3.2 Currently, the objectives of European policy are incorporated into the National 'Waste Strategy 2000', which sets out the Government's vision for managing waste in Appendices to Accompany the Issue and Options Report

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a more sustainable way. The NWS 2000 sets out a number of key principles which are set out below;

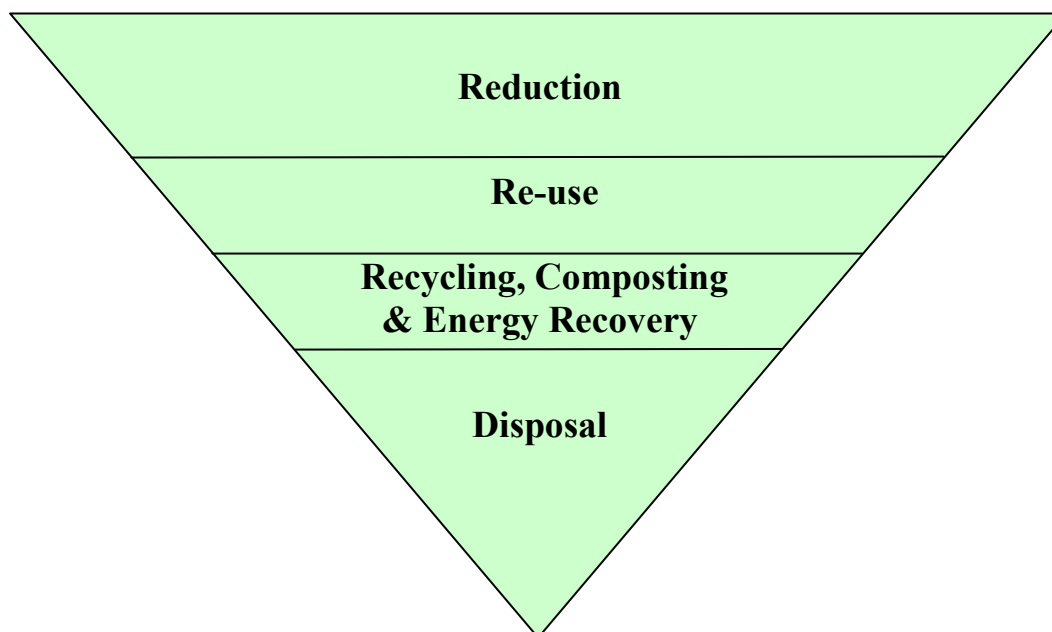
- The Waste Hierarchy
- Best Practicable Environmental Option
- Proximity Principle
- Regional Self Sufficiency

(Note: the Best Practicable Environmental Option has now been replaced by SA/SEA.)

### The Waste Hierarchy

3.3 The waste hierarchy emphasises the difference between different waste management options, with the intention of shifting the balance in the way waste is managed. This reflects the overall objective of reducing the amount of waste that society creates and making the best use of waste that does arise, thereby reducing the amount requiring eventual disposal. These objectives form a hierarchical approach and greater weight should be attributed to those waste management methods that are at the top of the hierarchy:

**Figure 1: The Waste Hierarchy:**



### Proximity Principle

3.4 The Proximity Principle emphasises that waste should be managed as near as possible to its place of production, in order to minimise the environmental impacts which arise from the transportation of waste. In considering the proximity principle it is important that proximity and transport issues are placed within the specific geographical and social context of Merseyside. For example due to the population density of Merseyside there are very practical limitation to the siting of waste management facilities when the sensitivity of receptors are taken into account. These receptors include issues such as proximity to people's homes and schools and the groundwater vulnerability and geology beneath Merseyside.

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### Regional Self-Sufficiency

3.5 The principle of Regional Self Sufficiency is that regions should aim to be self sufficient in managing the wastes arising within their areas by ensuring the provision of an integrated and adequate network of waste management facilities. Each region should provide for facilities with sufficient capacity to manage the quantity of waste expected to arise in the region for at least ten years.

3.6 The Waste Strategy 2000 identifies national targets for the recovery, recycling and composting of municipal waste. The aim of these targets is to help to ensure that the needs of the Landfill Directive are met. The national recovery and recycling / composting targets are:

- to recover value from at least 40% of municipal waste by 2005; 45% by 2010 and 67% by 2015, and
- in particular to recycle or compost 25% of household waste by 2005; 30% by 2010 and 33% by 2015.

3.7 Waste Strategy 2000 has also set the target of reducing the amount of commercial and industrial waste sent to landfill in 2005 to 85% of that landfilled in 1998.

3.8 It remains unclear how planning for regionally important waste management facilities such as landfill and hazardous waste can be undertaken in the absence of any definitions of broad locations at the regional level. This is an important issue because currently none of the emerging minerals and waste development plans across the North West region are making allocations on the explicit basis that they receive and treat waste arising from outside their administrative boundaries. With the deficit in regional policy guidance on this matter the need effect if for any inter-sub regional and inter-county arrangements are reliant on co-operation between planning authorities and the private sector. This will lead to an industry-led approach to major new facilities of regional significant and will inevitably increase uncertainty for planning and investment decisions.

3.9 It is within the uncertain context of sub-regional self sufficiency that the Waste DPD will consider issues and options for sub-regional self sufficiency.

### Planning Policy Statement 10: 'Planning for Sustainable Waste Management' (PPS10) and the 'Companion Guide to Planning Policy Statement 10'

3.10 PPS10 was published in July 2005. The waste hierarchy continues to be placed at the heart of the policy statement, while there is increased emphasis on waste as a resource. The proximity principle and the concept of communities taking more responsibility for the management of the waste they create are also key themes. Importantly, the need for BPEO (Best Practicable Environmental Option) assessments to support waste management proposals has been dropped in favour of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) at the plan-making stage.

3.11 PPS10 advises that regional planning bodies should set apportionments to Appendices to Accompany the Issue and Options Report

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waste planning authorities to reflect the opportunities for waste management available in those authorities, including the disposal of residues of treated wastes. Furthermore, it advises that regional planning bodies should identify in the RSS the broad locations where the pattern of regionally or nationally significant waste management facilities should be accommodated. Following on from this, waste planning authorities are to make sufficient and timely provision of facilities, including identifying suitable sites in development plan documents. A sequential approach is set out for the identification of sites and locations for waste management facilities. This follows the hierarchy:

1. Seeking on-site management of waste where it arises; followed by
2. Industrial sites, particularly where there are opportunities for co-location of facilities and for complementary activities; followed by
3. Re-use of previously developed land and, in rural areas, redundant farm buildings/curtilages; and finally
4. Greenfield sites.

### **4.0 Regional Guidance**

#### *Regional Spatial Strategy for the North West*

4.1 The submitted draft Regional Spatial Strategy (sdRSS) for North West England provides a framework for the physical development of the region over the next fifteen to twenty years. It sets priorities for dealing with environmental issues, transport, infrastructure, economic development, agriculture, minerals and the treatment and disposal of waste.

4.2 The sdRSS will become part of the statutory development plan for every local authority in the North West following amendments made after the Examination in Public (EIP). The EIP is imminent and is to take place in two phases towards the end of 2006 and the beginning of 2007. Each local planning authority must prepare a Local Development Framework (LDF), which needs to be in general conformity with the provisions of RSS. Planning applications will be considered against the provisions of RSS and relevant Local Development Document(s).

4.3 The regional waste management policies are set out in the chapter on 'Enjoying and Managing the North West – Environmental Enhancements and Protection'. The Regional Waste Strategy sets overall objectives, mandatory targets and appropriate timescales for taking forward European and national requirements and these are reinforced by RSS.

4.4 The draft RSS has 5 waste management policies covering – a regional approach to waste, waste management principles, proximity principles, provision of nationally, regionally and sub-regionally significant waste management facilities and radioactive waste. The draft RSS also sets out sub-regional apportionment for industrial, commercial, hazardous and municipal wastes. However, the evidence base behind these apportionments is not clear, and has yet to be tested at EIP. The draft RSS fails to guide sub-regions as to the broad locations of regionally or nationally significant waste management facilities.

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4.5 Fundamental issues have been consistently raised during the development of RSS waste policies. At this stage, it is therefore thought that it is premature to state that the Waste DPD will be in conformity with RSS. Without wishing to pre-judge the outcome of the Examination-in-Public of RSS and in particular the waste policies, the Waste DPD for Merseyside will take account of significant changes to any regional waste policies at the preferred options and submission stage subject to confirmation and agreement of the evidence base for capacity requirements and sub-regional apportionments made within the draft RSS.

### Regional Waste Strategy for the North West

4.6 The Regional Waste Strategy (RWS) was published in September 2004. It intends to guide the NW away from unsustainable waste management practices by reducing our current dependency on landfill, moderating the growth in waste arisings, minimising resource use, maximising resource efficiency and reducing the hazardous content of waste.

4.7 The RWS also underpins the development of land use policies for built development associated with waste management by providing information on the quantities of waste generated and the types of facilities needed regionally.

4.8 It is recognised that to deliver this strategy requires wholesale changes to the way in which we regard the waste we produce and how it is managed, and that these changes will not be popular. An action plan has been developed which identifies key roles for both ownership and implementation of the strategy.

4.9 The main areas to be addressed are;

- Education and awareness raising
- Improving recycling rates
- Market Development
- Sustainable Procurement to provide a market for recycled products
- Government and legislative changes
- Emerging Technologies
- Planning for Waste Facilities.

## **5.0 Local Policy Context**

5.1 At a local level, the district Councils all have currently adopted Unitary Development Plans (UDPs), and are now in the process of developing their Local Development Frameworks (LDFs) in line with the Planning and Compulsory Purchasing Act 2004. The UDPs are used currently to assess waste planning applications, along with more recent national guidance. Each of the councils is at a different stage of development of their LDF, and recently their planned timetables have been affected by the requirements to carry out Appropriate Assessment in line with the Habitat Regulations (as amended). The timescales for development of each of the Councils LDFs is shown in table below.

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**Table 1: Timetable for Production of District Core Strategy Development Plan Documents**

Authority Name	UDP Adopted Date	LDF Core Strategy			
		Issues & Options Consultation Date	Preferred Options Consultation Date	Submission Date	Adoption Date
Liverpool	13th November 2002	February/March 2006	**April 2007	**17th October 2007	**15th October 2008
Halton	7 <sup>th</sup> April 2005	July 27 <sup>th</sup> – September 7 <sup>th</sup> 2006	February/March 2007	October/November 2007	January 2009
Wirral	February 2000	October 2005	March 2007 **	October 2007 **	October 2008 **
Sefton	29 <sup>th</sup> June 2006	October 2007/January 2008	May/ June 2008	November 2008	December 2009
Knowsley	14 <sup>th</sup> June 2006	**June/July 2007	**February/April 2008	**November 2008	**December 2009
St Helens	2 <sup>nd</sup> July 1998	August/September 2005	*Preferred Options April 2007	*April 2008	*October 2009

\* Dates Dependant on the results of the Appropriate Assessments

\*\* Provisional Dates

### Relationship with LDFs and Core Strategy

5.2 The metropolitan boroughs of Merseyside do not formally constitute a county, and therefore, the boroughs are single tier authorities, and not subject to a two tier planning system. In the two tier planning system, waste planning matters are dealt with at a county level.

5.3 As a result of the recent planning reform, and the pressing need to change the way waste is managed, the Merseyside authorities have agreed to collaborate and produce a joint Waste DPD in recognition that sustainable waste management is a strategic and spatial planning matter. The Waste DPD will not need its own core strategy or Statement of Community Involvement (SCI). These are already provided by individual District SCIs and Core Strategies and the Waste DPD will conform to these documents.

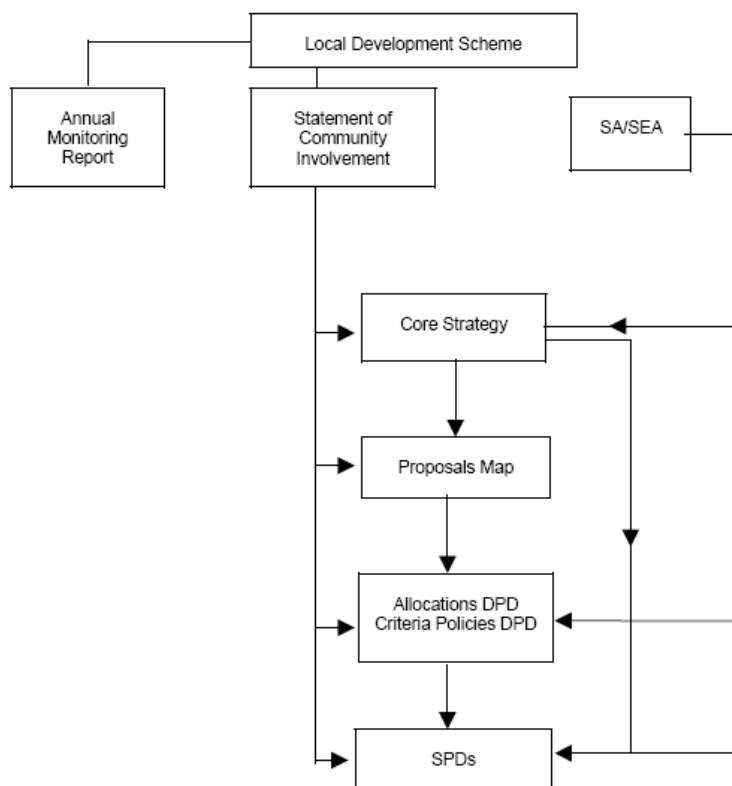
5.4 In many respects, this complicates the process for producing the Waste DPD, as it is not a case of setting boundaries for producing a waste LDF, SCI and Core Strategy, but ensuring compliance with 5-6 other districts. This increases the task six-fold.



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**Figure 2: Relationship between District Local Development Frameworks and the Joint Waste DPD.**

### Relationship of Documents



### Joint Municipal Waste Management Strategy for Merseyside

5.5 In June 2005, Merseyside Waste Disposal Authority (MWDA) published the Joint Municipal Waste Management Strategy (JMWMS) for Merseyside. The JMWMS sets out a vision of how waste management arrangements will be developed and implemented over the short, medium and long-term to meet the challenges of dealing with the waste that we produce in Merseyside. It includes both immediate actions and longer term processes for ensuring that we recycle as much as we can and divert waste from landfill, particularly the biodegradable proportion, for which we have been set challenging targets. Current waste arisings for Merseyside are approximately 860,000 tonnes. With typical growth rates estimated at 3% this will result in a large increase in the waste to be dealt with. Therefore, the JMWMS sets challenging targets for minimising the amount of waste to be disposed of. A target of 0% waste growth has been set for 2020, however, even with such a target waste arisings for 2020 are estimated to be 1.1 Million tonnes.