

3. STATUTORY FRAMEWORK AND POLICY CONTEXT

3.1 Introduction

- 3.1.1 Waste management planning is a comparatively new issue. It is one that has come forward through the growing awareness that we need to reduce the amount of waste we generate, and to improve the management of that which we do produce.
- 3.1.2 The Government is encouraging communities to recognise that it is only by accepting responsibility for the waste that we all produce, that we will ensure that our environment is protected both now, and for future generations.
- 3.1.3 It is therefore against a background of new legislation, Government targets seeking to promote sustainable waste management practices, and rapidly developing technology that the Cambridgeshire and Peterborough Waste Local Plan has been prepared.
- 3.1.4 This Local Plan addresses the land-use planning aspects of waste management in Cambridgeshire and Peterborough. It sets out the policies and proposals of the Waste Planning Authorities (WPAs), and provides a comprehensive framework for determining planning applications for waste development within the Plan area.

3.2 Statutory Framework

- 3.2.1 The Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) requires county councils and some unitary authorities to prepare a Waste Local Plan. The procedures for the preparation of the Plan are set out in the Act, and the Town and Country Planning (Development Plans) (England) Regulations 1999, which came into force in January 2000.

3.3 Plan Area

- 3.3.1 The Local Plan is being prepared jointly by Cambridgeshire County Council and Peterborough City Council, which became a unitary authority in 1998. The Plan will therefore cover both Authorities' areas, which in the case of Cambridgeshire includes the Districts of Cambridge City, East Cambridgeshire, Fenland, Huntingdonshire, and South Cambridgeshire.

3.4 Plan Period

- 3.4.1 The Cambridgeshire and Peterborough Waste Local Plan will cover the period from 1998 to the year 2011 (inclusive).

3.5 'Who Does What'

- 3.5.1 A summary of waste management functions in Cambridgeshire and Peterborough is given in **Table 1: Waste Management Functions**. To achieve sustainable waste management within the Plan area, these authorities will seek to work in co-operation with one another and with the community, establishing a partnership approach.
- 3.5.2 Cambridgeshire County Council and Peterborough City Council are **Waste Planning Authorities** (WPAs), i.e. they have responsibility for the planning framework and planning control over waste management in their areas. They are also **Waste**

Disposal Authorities (WDAs), and have responsibility for the safe disposal of all wastes arising in their geographical area.

- 3.5.3 **Waste Collection Authorities** (WCAs) collect municipal waste and transport it for disposal. In Cambridgeshire this responsibility lies with the District Councils. Peterborough City Council, as a unitary authority, is also a WCA.
- 3.5.4 The **Environment Agency** was formed on 1 April 1996, and brings together the functions previously undertaken by the former Waste Regulation Authorities, the National Rivers Authority and Her Majesty's Inspectorate of Pollution. The Agency aims to prevent or minimise the effects of pollution on the environment, and issues authorisations for waste disposal or management.
- 3.5.5 Under the provisions of the Environmental Protection Act 1990, the Environment Agency has responsibility for the issuing of waste management licenses that authorise the treatment, keeping or disposal of controlled waste in or on specified land. This license will also specify the types of waste that can be managed on site. Certain types of operation are exempt from licensing. Under the Pollution Prevention and Control Act 1999, the Environment Agency has commenced a phasing out of the licensing regime replacing it with a permit regime. Under the provisions of this Act, the complete range of major industrial activities, including waste management, will be managed under a single regime to achieve prevention and control of pollution. Advice on this matter should be sought from the Agency.
- 3.5.6 The Environment Agency is also responsible for carrying out surveys of waste arisings, as well as the capacity and capability of facilities dealing with waste. This information feeds into Strategic Waste Management Assessments, and will be used to monitor the progress of the National Waste Strategy.
- 3.5.7 The Waste Planning Authorities will seek to work in partnership with all bodies involved in the management of waste in their areas. In particular liaison will take place with the Environment Agency in respect of information held. Government advice indicates that functions of the different authorities and agencies should not be duplicated, and in this context it should be noted that it is the Environment Agency that has responsibility for pollution control.
- 3.5.8 Some small waste management facilities including waste incinerators with a throughput of less than 1 tonne an hour and concrete crushing facilities may require authorisation under Part 1 of the Environmental Protection Act. The district councils as Environmental Health Authorities regulate this part of the Environmental Protection Act.

TABLE 1 : WASTE MANAGEMENT FUNCTIONS

WHO DOES WHAT?	
<p>Cambridgeshire County Council / Peterborough City Council <i>Waste Planning Authorities (WPA)</i> <i>Waste Disposal Authorities (WDA)</i></p> <p>WCAs and WDAs</p>	<ul style="list-style-type: none"> • Prepare Waste Local Plan • Determine waste planning applications • Enforces planning controls • Lets contracts to operators for management of waste collected by District Councils • Provides facilities for management of bulky household waste and recycling. • Undertakes 'Closed Site' management for sites previously operated by the Council • Prepare the Joint Municipal Waste Strategy
<p>Peterborough City Council and Cambridgeshire District Councils <i>Waste Collection Authorities (WCA)</i></p>	<ul style="list-style-type: none"> • Collect municipal waste and transport to disposal sites • Prepare recycling plans • Run recycling facilities • Collect (at a charge) business and commercial waste • Regulate smaller waste management facilities under Part 1 of the Environmental Protection Act 1990
<p>Environment Agency <i>Waste Regulation</i> <i>Integrated Pollution Prevention and Control</i></p>	<ul style="list-style-type: none"> • Licenses and regulates disposal facilities and carriers • Controls movement and disposal of special waste • Conducts national waste survey and prepares Strategic Waste Management Assessments • Influences the industry to assist minimisation of commercial and industrial wastes • Regulates packaging producers, users and reprocessors
<p>Industry and Commerce</p>	<ul style="list-style-type: none"> • Have a 'duty of care' to ensure responsible management of the waste their businesses generate • Are required to recover a proportion of packaging waste they produce or handle (companies over a certain size)
<p>Householders/The Public</p>	<ul style="list-style-type: none"> • No statutory responsibilities, but as waste producers are increasingly being asked to participate in sustainable waste management initiatives e.g. recycling and composting schemes requiring source separation of waste
<p>The Waste Industry</p>	<ul style="list-style-type: none"> • Commercial organisations who collect, manage and dispose of waste under contract or in some cases under statutory obligation. This includes management and disposal under contract from the Waste Collection and Waste Disposal Authorities

3.6 Policy Context

International

- 3.6.1 A range of international, national, regional and local policy documents provide the policy background for the Local Plan and have a significant influence over the policies and proposals prepared in the Plan. Key policy guidance includes the **National Waste Strategy** and **Planning Policy Guidance Notes (PPGs)**. As with most other policy guidance these are periodically updated and reviewed.
- 3.6.2 With increasing pressure on the environment and growing awareness of the global implications, the concept of 'sustainable development' was outlined in the document 'Our Common Future' produced by the World Commission on Environment and Development. This was the main theme of the UN conference on Environment and Development (The Earth Summit) held in Rio de Janeiro in 1992.
- 3.6.3 In response to the Earth Summit, the European Commission produced the 5th Action Plan 'Towards Sustainability' in March 1992. It proposed that policy makers should no longer act only when environmental problems arise but should act on the principle of shared responsibility.
- 3.6.4 The European Union produces Directives to carry forward its commitment to the formulation of environmental policy, and set action plans for legislation in member countries. The principal Directives regarding waste management include the following:
- EU Waste Framework Directive (1977, as amended)
 - EU Hazardous Waste Directive (1991)
 - EU Landfill Directive (1999)
 - EU Packaging and Packing Waste Directive (1995)
 - EU Hazardous Waste Incineration Directive (1996)
 - EU Incineration of Waste Directive (2000)
 - EU End of Life Vehicles Directive (2000)

National

- 3.6.5 At the national level a range of guidance governs the preparation, content and procedures for preparing a Waste Local Plan, including:
- Town and Country Planning (Development Plans) (England) Regulations 1999
 - Planning Policy Guidance Notes (PPGs)
 - The UK Strategy – 'A Better Quality of Life'
 - National Waste Strategy - 'Waste Strategy 2000'
- 3.6.6 The Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) requires waste planning authorities to prepare a Waste Local Plan. The procedures for the preparation of the Plan are set out in the Act, and the Town and Country Planning (Development Plans) (England) Regulations 1999, which came into force in January 2000.

- 3.6.7 The theme of international and European objectives has been taken up in national policies. The **UK Strategy – ‘A Better Quality of Life’**, May 1999, outlines the Government’s Strategy for Sustainable Development in the UK.
- 3.6.8 The Environment Act 1995 makes provision for the **National Waste Strategy**. This was published as a White Paper in May 2000. This Strategy will be reviewed regularly. It sets out the Government’s policies and targets in relation to the recovery and disposal of waste. The Waste Local Plan has to have regard to this strategy.
- 3.6.9 A series of **Planning Policy Guidance Notes (PPGs)** is also produced by the Government. These explain statutory provisions and national policies, and are gradually being replaced by **Planning Policy Statements (PPSs)**. The main source of guidance on the preparation of a Waste Local Plan is PPG10 ‘Planning and Waste Management’, which has replaced some of the guidance previously contained in PPG23 ‘Planning and Pollution Control’. PPG 12 ‘Development Plans’ has also been relevant.

Regional

- 3.6.10 **Regional Planning Guidance for East Anglia (RPG6)** was issued in November 2000. This endorses measures to minimise the impact of waste management on the environment through the BPEO, regional self-sufficiency, waste hierarchy and proximity principle. It also encourages the recovery of energy from waste. The Waste Local Plan must be in conformity with this Guidance.
- 3.6.11 The Government, through PPG10 wishes to see regional strategies developed for meeting likely demands for waste management and disposal. It advises all Regional Planning Bodies (RPBs) in England to convene Regional Technical Advisory Bodies (RTABs). These are officer level bodies whose role is to assemble relevant data and provide advice on options and strategies for dealing with the waste that needs to be managed within each region, including the nature and distribution of capacity. RPBs must publish this information and advice for consultation and take responses into account when identifying a preferred regional strategy for waste management. The recommended option should be consistent with national planning policy. The RPBs conclusions on waste management should be reflected in the preparation of future Regional Planning Guidance (RPG).
- 3.6.12 The East Anglia Region, which included the counties of Cambridgeshire, Norfolk and Suffolk, has been combined with the counties of Bedfordshire, Essex and Hertfordshire, which were formerly part of the South East Region, to form the East of England Region.
- 3.6.13 An East of England RTAB has been established and a Regional Waste Strategy prepared, this Strategy was adopted by the East of England Regional Assembly in 2003.

Plan Area Policies

- 3.6.14 The Waste Local Plan forms part of the statutory Development Plan, which within the Plan area consists of: The **Structure Plan** which covers Cambridgeshire and Peterborough; **Aggregates (Minerals) Local Plan and Waste Local Plan** that cover Cambridgeshire and Peterborough; **District Local Plans** prepared by Peterborough

City Council and the Cambridgeshire District Councils setting out detailed policies for the development of land except minerals and waste management.

- 3.6.15 Proposals for development should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 3.6.16 The Cambridgeshire Structure Plan 1995 set out the County Council's and City Council's strategic land use planning policies, and provided a broad framework for waste disposal throughout Cambridgeshire and Peterborough. As the preparation of the Waste Local Plan has taken place, the Cambridgeshire Structure Plan 1995 has also been reviewed. The Cambridgeshire and Peterborough Structure Plan 2003 has now been adopted. Its policies and proposals were taken into account by the Waste Local Plan as they emerged. The Waste Local Plan is required to be in general conformity with the Structure Plan. The most relevant policies of both Structure Plans are set out in **Appendix 1**.
- 3.6.17 There is no overlap between District Local Plans and the Waste Local Plan since the former are precluded from including policies on waste land use matters. However, where there is a conflict between a Local Plan and the Waste Local Plan the more recently adopted or approved provisions prevail.
- 3.6.18 In addition to the Development Plan, there are other important policy influences on the Waste Local Plan. **Table 2** provides a summary of waste management policy documents in Cambridgeshire and Peterborough. It sets the context within which the Waste Local Plan has been prepared.
- 3.6.19 The Environmental Protection Act 1990 required the preparation of a Waste Disposal Plan. The Cambridgeshire Waste Management Plan 1995-2005 was prepared by the County Council as Waste Regulation Authority and adopted in 1996. This document:
- i) sets out policies and proposals in respect of the discharge of waste regulatory functions;
 - ii) provides information about the present and future generation of waste and the availability of facilities.
- 3.6.20 The Waste Local Plan is required to have regard to the **Cambridgeshire Waste Management Plan**.
- 3.6.21 The information gathered in the Cambridgeshire Waste Management Plan, and the conclusions based thereon, have been superseded and updated by the **National Waste Survey** which was conducted by the Environment Agency. The relevant data for the East of England, which includes the Plan area, was presented in the form of a Strategic Waste Management Assessments. This provides information on waste arisings, forecasts changes in controlled waste, and capacity of existing facilities. In preparing the Revised Deposit Plan, information from the Strategic Waste Management Assessment was taken into account but it was not felt necessary to change any of the provisions of the Plan.
- 3.6.22 **Table 2** identifies the relevant waste management policies that apply within the Plan areas. Consideration of these documents and the policy context should ensure an integrated approach to development within the Plan area.

- 3.6.23 The **Cambridgeshire Aggregates (Minerals) Local Plan 1991** sets out policies for aggregate extraction in Cambridgeshire and Peterborough.
- 3.6.24 All Cambridgeshire authorities and Peterborough City Council have prepared a **Joint Municipal Waste Management Strategy**. This considers the waste management options for municipal waste, and addresses the long term integrated contract arrangements for the collection, recycling, recovery and disposal of municipal waste. It also seeks to promote education and raise awareness of waste issues in general. The strategy was agreed in November 2002.
- 3.6.25 Another relevant policy document is **Environment 2000: A Strategy for Action**. This is a non-statutory document that is adopted by the County Council. It sets out environmental key objectives and targets for the County Council. Peterborough City Council and the District Councils in Cambridgeshire have all prepared recycling plans as required by the Environmental Protection Act 1990.
- 3.6.26 The Plan also needs to have regard to Local Transport Plans (LTP) which set out policies and proposals to help deliver integrated transport and implements the transport aspects of development plan strategies. The County Council and Peterborough City Council have each published a **Local Transport Plan**.

3.7 Policy Integration

- 3.7.1 It is important that an integrated approach to waste management is taken, thus regard has been paid to ensuring that the approach adopted in the Waste Local Plan is consistent with the statutory requirements, and where appropriate, with other waste management strategies that are developing within and adjacent to the Plan area where this would be in accordance with the overall strategy, goals and objectives of the Waste Local Plan.
- 3.7.2 The Waste Local Plan also needs to be read in conjunction with all other parts of the Development Plan when considering proposals for development. All policies and criteria contained within these Plans should be considered. The inter-relationship of this framework of policies seeks to ensure that development is sustainable.

3.8 Targets

- 3.8.1 PPG12 requires Development Plan content and policies to facilitate monitoring and review. Targets, objectives and clear policies should ensure that this process is facilitated within the Plan. National and local targets for achieving more sustainable waste management are identified in **Appendix 2**.
- 3.8.2 The plan identifies four groups of policies:
- **Key Policies**
 - **Environmental Protection Policies – detailed criteria by which to assess proposals**
 - **Provisions for Future Waste Management**
 - **Development Control and Implementation**

In order to assist monitoring and review, Chapter 11 (Monitoring and Review) sets out performance indicators and targets.

Table 2: Policy Context - Waste Management in Cambridgeshire and Peterborough

PLAN	STATUS	CURRENT POSITION	SCOPE/PURPOSE
Cambridgeshire Structure Plan 1995	Statutory Plan	Adopted by Cambridgeshire County Council December 1995. Also being implemented by Peterborough City Council	This Plan is required to: <ul style="list-style-type: none"> • set out the strategic land-use planning policies • provide a broad framework for waste disposal
Cambridgeshire and Peterborough Structure Plan Review	Statutory Plan	Adopted 2003, supersedes the above Plan.	As above
Cambridgeshire and Peterborough Local Transport Plans	Statutory Plans	Drafts Published June 99 Final Versions published July 2000	These Plans are required to: <ul style="list-style-type: none"> • provide framework for strategic transportation policies and plans for future transport growth in each Plan area over a 5 year period • monitor and evaluate performance of plan annually
Cambridgeshire Aggregates (Minerals) Local Plan	Statutory Plan	Adopted by Cambridgeshire County Council August 1991 Also being implemented by Peterborough City Council	This Plan is required to: <ul style="list-style-type: none"> • be in general conformity with the Structure Plan • set policies and proposals for aggregates mineral extraction up to the year 2001 • set out land-use policies and proposals for all kinds of minerals considering: <ul style="list-style-type: none"> ▪ the need for sites and facilities ▪ the planning criteria to be applied to proposals

Cambridgeshire and Peterborough Waste Local Plan	Statutory Plan	Adopted October 2003	<p>This Plan is required to:</p> <ul style="list-style-type: none"> • be in general conformity with the Structure Plan and have regard to the Waste Management Plan • set out land-use policies and proposals for all kinds of waste considering: <ul style="list-style-type: none"> ▪ the need for sites and facilities in particular areas ▪ the planning criteria to be applied to proposals for waste facilities
Waste Management Plan 1995-2005	Statutory Plan	Approved by the Secretary of State for the Environment March 1996	<p>This Plan is required to:</p> <ul style="list-style-type: none"> • consider the types and quantities of waste arising • identify the availability of facilities • identify the need for further provision for facilities
Joint Municipal Waste Management Strategy	Non-statutory Plan (Proposed to make statutory)	Agreed November 2002	<p>This strategy relates to municipal waste only and:</p> <ul style="list-style-type: none"> • considers waste management options for municipal waste • seeks to promote education and raise public awareness of waste issues

3.9 Scope And Content Of The Plan

Plan Content and Form

3.9.1 The Government has indicated that development plans for waste should provide a clear guide to waste operators and to the public on how the Waste Planning Authority (WPA) propose to deal with waste arisings in their area.

3.9.2 Advice on the contents of a Waste Local Plan is given by **PPG10: Planning and Waste Management**. Paragraph 5 of PPG10 requires that waste local plans seek to achieve sustainable waste management objectives by:

- providing a planning framework that enables adequate provision to be made for waste management facilities
- helping meet the needs of business and encouraging competitiveness
- encouraging sensitive waste management
- protecting areas of designated landscape and nature conservation value
- minimising adverse environmental impacts from handling, processing, transport and disposal of waste
- considering new facilities in light of forecasts
- ensuring opportunities for re-use/recycling facilities in new development

3.9.3 The PPG requires that future waste management should be based upon the following principles:

- a) BPEO
- b) Regional self-sufficiency
- c) Proximity principle
- d) Waste hierarchy

3.9.4 PPG 10 also provides examples of the general factors that should be considered, as appropriate, in allocating sites, selecting sites and determining planning applications. These factor include:

- transport and traffic congestion
- dust
- odours
- vermin and birds
- noise
- litter
- protection of surface and underground water
- land stability
- visual intrusion
- nature and archaeological conservation
- historic environment
- hours and duration of operation
- reinstatement
- compatibility with adjacent development

3.9.5 There may be significant environmental and economic benefits when:

- waste management facilities can be located close to arisings
- different types of waste management facility can be located close together or co-located
- rail or water transport can be used
- maximum use is made of major road networks

3.9.6 The Waste Local Plan content and form has taken into account Government and regional guidance, the Cambridgeshire Structure Plan 1995, and as it has emerged the Structure Plan Review (i.e. the Cambridgeshire and Peterborough Structure Plan 2003), and Cambridgeshire Waste Management Plan, and the current pattern of waste management practices and disposal methods.

3.10 Environmental Appraisal

3.10.1 An Environmental Appraisal of the Cambridgeshire and Peterborough Waste Local Plan has been carried out. This follows advice set out in PPG12 - Development Plans and Regional Planning Guidance (1999), which states that Local Planning Authorities should carry out an environmental appraisal of policies and proposals in their development plans.

3.10.2 There is also a statutory requirement under the Town and Country Planning (Development Plan) Regulations 1999, which requires Local Planning Authorities to take account of environmental considerations when preparing development plans.

3.10.3 Environmental Appraisal involves the process of identifying, quantifying, weighing up and reporting on the environmental costs and benefits of the policies and proposals of the Waste Local Plan. It also takes into account social and economic considerations. Environmental Appraisal is a continuous process, and the policies and proposals of the plan have been re-appraised as it has progressed through the different stages of plan preparation.

3.10.4 The results of the Environmental Appraisal carried out at the key stages of preparation of this Plan are summarised in **Appendix 3**.

3.11 The Preparation of the Waste Local Plan

3.11.1 The first stage in the preparation of the Waste Local Plan was the publication of an Issues Report in August 1997. The purpose of this Report was to identify the key issues that needed to be addressed in the formulation of the Waste Local Plan. This was followed by the publication of a Consultation Draft Waste Local Plan in July 1998.

3.11.2 The responses received to the Consultation Draft were carefully considered and were taken into account in the formulation of policies and proposals in the Deposit Waste Local Plan.

3.11.3 This first Stage Deposit Waste Local Plan was placed on deposit from 4 August to 15 September 2000. Formal changes were made to the Deposit Plan, which were incorporated into a Revised Deposit Plan.

3.11.4 The Revised Plan was placed on deposit for public inspection from 2 October to 13 November 2001.

- 3.11.5 Objections to policies or proposals that remained unresolved were then considered through a Public Local Inquiry in summer 2002. A Planning Inspector considered these outstanding matters and prepared a report containing recommendations to the WPAs.
- 3.11.6 The recommendations made by the Planning Inspector were considered by the WPAs and further modifications to the Waste Local Plan were made. These were published in May 2003 and were made available for public consultation.
- 3.11.7 Following consideration of representations on the proposed modifications, it was concluded that no further modifications or Public Inquiry was necessary, and the Waste Local Plan was adopted on 22 October 2003.
- 3.11.8 Table 3 summarises the preparation of the Waste Local Plan.
- 3.11.9 Further information on local plan preparation is available in the Department of Environment Transport and Regions Code of Practice, **'Local Plans and Unitary Development Plans – A Guide to Procedures'** (1999).

TABLE 3: WASTE LOCAL PLAN - TIMETABLE OF PREPARATION

	Stage of Plan Preparation	
•	Pre-deposit Consultation Options	August 1997/July 1998
•	Initial Deposit	August/September 2000
•	Revised Deposit	October/November 2001
•	Public Local Inquiry	Summer 2002
•	Inspectors Report	December 2002
•	Proposed Modifications	May 2003
•	Adoption of Plan	October 2003