

Our ref: PCS/116028
Your ref: HWLDP

If telephoning ask for:
Pat Haynes

28 September 2011

Morag Smith
Scottish Government
Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

By email only to: morag.smith@scotland.gsi.gov.uk

Dear Ms Smith

Highland Wide Local Development Plan - Notice from Reporter (waste management)

Thank you for your letter dated 16 September 2011, constituting a notice for further information under Regulation 22 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

You give SEPA the opportunity to make additional representation in relation to Issues: 71 Waste Management Facilities, 84 Moray Firth Vision and 90 Appendices and Proposals Map, in light of the contents of the letters dated 24 June 2011 and 23 August 2011 from Anderson Strathern.

We have little to add to our comments in sections 17.3, 17.4 and 17.5 of our response dated 2 December 2010 which were written taking into account the published Zero Waste Plan and the, at that time, imminent Annex B to the Zero Waste Plan. However were the Highland Council minded to review the Waste Management elements of the Highland Wide Development Plan in light of changes to the waste management policy basis we would be happy to assist them in this.

With regards to the letters from Anderson Strathern, we make the following comments.

We note reference on page 5 of the letter dated 24 June 2011 to Section 2.4 of SEPA's Thermal Treatment of Waste Guidelines – this section of the Thermal Treatment of Waste Guidelines is now superseded by the latest version of SEPA's Thermal Treatment of Waste Guidelines which takes into account Annex B of the Zero Waste Plan. This document can be found on SEPA's website at http://www.sepa.org.uk/waste/waste_regulation/energy_from_waste.aspx but for convenience is also attached. It will be noted that the sections superseded within the Guidelines have been replaced by two guidance documents, one relating to development management (LUPS 6) and one relating to development planning (LUPS 5), and both available on SEPA's website at <http://www.sepa.org.uk/planning.aspx> They are attached for convenience.

On page 7 of the letter dated 24 June 2011, we note the statement that "This means that the most appropriate location for such facilities can only be arrived at when the strategic upstream network of waste facilities, and the locations for disposal of non-recyclable materials, are known."



Chairman
David Sigsworth

Chief Executive
Dr Campbell Gemmell

Dingwall Office
Graesser House, Fodderty Way,
Dingwall Business Park, Dingwall IV15 9XB
tel 01349 fax 01349 863987
www.sepa.org.uk

It is unclear how this conclusion is arrived at, given that Annex B states (paragraphs 4.3 and 4.4):

4.3, The land-use planning system will be central to delivering this vision. Consequently, planning authorities should be mindful of the following:

- in preparing local and strategic development plans, planning authorities should set out a locational or spatial strategy which includes waste management development. For all wastes arising in Scotland, this can be achieved either by allocating specific sites for waste management facilities, and/or indicating clearly and positively that land designated for employment, industrial or storage and distribution uses is appropriate for many waste management installations (subject to site specific considerations).*
- need and proximity for waste management facilities should be considered strategically as the achievement of a sustainable strategy may involve waste crossing planning boundaries within Scotland.*

4.4. This policy approach provides a high level framework for local discussions about waste management infrastructure in the context of meeting need and achieving proximity. Local authorities are asked to plan proactively to provide facilities to deal with waste produced within development plan areas. The Scottish Government will not be prescriptive about the precise mix of technologies and facilities required to meet the targets set out in the Zero Waste Plan. Nor will it offer a timetable for phasing infrastructure provision relative to the target years, underlining the importance of development plans.

On page 5 of the letter dated 24 June 2011, there is reference to the role of the development plan in “setting the precise mix off [sic] technologies and facilities required to meet the targets of the Zero Waste Plan”. However, paragraph 4.5 of Annex Bin relation to Table 1, states:

4.5 Table 1¹² sets out the national shortfall in the operational capacity of waste management infrastructure required to meet the Zero Waste Plan targets in 2025. To ensure that all authorities collectively plan for waste management facilities to meet the requirements of the Zero Waste Plan the shortfall is allocated to groups of local authorities or development plan areas. However, these allocated capacities should not be treated as a limit. It is also acknowledged that authorities can work in a number of arrangements spatially and operationally to deliver the figures and not just in the groupings presented in the table.

The Zero Waste Plan does not give specific targets for each plan area and there is no requirement for development plans to set a precise mix of technologies and facilities required to meet the targets of the Zero Waste Plan.

In the letter dated 24 June 2011, a list of documents is given in the context of policy and regulatory changes, which includes “Publication of the pending Zero Waste (Scotland) Regulations 2011”. There are several other references to the need for the plan to take into account these forthcoming regulations. However, it is unclear what changes these regulations will introduce which would inform the development plan spatial policy. These regulations will control the operation of waste management sites rather than the location of waste management sites. They will limit waste utilised in energy from waste plants to residual waste, but this limitation was sought previously by SEPA through requests for planning conditions, so in effect achieving the same end.

If you have any queries relating to this letter, please contact me by telephone on 01349 860447 or e-mail at planning.dingwall@sepa.org.uk.

Yours sincerely

Pat Haynes
Senior Planning Officer
Planning Service