

Development Management and Waste

Overview

There is limited evidence to suggest that both site-specific waste management and the wider contribution that driving waste up the hierarchy can make towards sustainability are afforded significant weight as part of the development management process, with no evidence in officer reports that specific regard is had to, for example, the Council's Waste Strategy or relevant MBC / KCC policy.

However, interviews with a sample of officers suggest that basic matters such as location of refuse storage and general accessibility to residents and collection services is often considered. However, such consideration does not go as far as a positive approach to addressing the hierarchy.

At a site-specific level, poor planning for waste and recycling can lead to a range of issues; both in terms of resident's private concerns about issues such as tidiness and amenity, but can also 'spill out' into the public realm.

There is anecdotal evidence that not only does poorly managed refuse or other services detract from the amenity of a site, but is associated with wider matters such as anti-social behaviour.

Unfortunately higher risk sites such as the conversion of offices to high density apartments are often brought forward without the LPA being able to exercise any control over such matters.

Recommendations

1 Review

In relation to many aspects of urban design, such as open space, parking, landscaping etc, we should initiate a formal 'design review' process for relevant schemes (at present there is only ad-hoc reviews as part of Members design tours or if enforcement complaints are received). This process should include waste management.

As well as feeding into officer training, the Council should consider whether this design review process feeds back to Member through either a regulatory or scrutiny committee.

2 Training

DM Officers (and Committee Members) are given training to cover, for example:

- The importance of applying the waste hierarchy (as part of the wider 'sustainability circle') when assessing relevant planning applications.

- The wider value of planning officers adopting a positive role in terms of aligning with Corporate approaches.
- The national policy context.
- Existing local (MBC/KCC) policy and guidance.
- The scope of waste related considerations that can be material to the consideration and determination of a planning application.

3 Policy

The current Local Plan Review is too far progressed to be amended, but nevertheless contains a basic design requirement within draft *Policy SP15/13/viii* that would enable a specific section of the forthcoming 'Design and Sustainability' SPD to address the issue in more detail.

It is therefore recommended that as part of the scoping and drafting of the SPD, waste-specific guidance is developed and incorporated – see suggested scope below.

If for any reason, the D&S SPD does not progress, less formal guidance could be prepared / updated, although this may carry less weight at, for example, appeal.

A further opportunity would be through the preparation of local *Design Codes*.

4 Validation

On the back of adopted SPD (or possibly without), it would be possible to add to the 'local' validation requirements, the requirement for the inclusion of a statement on how the development responds to the duties as set out under the following policies. Such a requirement may also extend to other tests of sustainability, but include waste prevention / management

This would replace the existing validation guidance, which focusses more on technical standards than education.

National Policy

Both the NPPF and the Waste Regulations make it clear that waste management considerations are relevant to both policy and decision-making.

"Achieving sustainable development means..... minimising waste and pollution"
(NPPF para 8)

*"Movement of waste up the Waste **All local planning authorities..... should look to drive waste management up the hierarchy.**"* (National Planning Policy Guidance)

"Driving waste up the Waste Hierarchy is an integral part of the National waste management plan for England and national planning policy for waste. All local planning authorities must have regard to the Plan and national policy in preparing their Local Plans." (Waste Regulations)

However, beyond the above, National planning policy is somewhat vague in terms of specific guidance and tends to focus on planning for waste management facilities – ironically the wrong end of the hierarchy. The only specific guidance offered by the NPPG is that Planning authorities are expected to help deliver the waste hierarchy through, for example:

- Integrating waste management into development / promote on-site management
- Use of planning conditions:
 - *On-site waste management*
 - *Sustainable design*
 - *Recycled materials*

Kent (Minerals &) Waste Plan 2020

Policy CSW 3 of the KMWP (which is part of the development plan) states that:

- The **development process** should minimise the production of waste
- Planning applications should be supported by evidence

It continues:

*New development should include detailed consideration of waste **arising from the occupation** of the development including consideration of how waste will be stored, collected and managed.*

- *Adequate waste storage facilities, including recycling*
- *..... particularly communal*
- *Robust design*
- *Contingency*

Local Planning Policy

Both Policy DM1(xii) of the 2017 adopted Local Plan (LPR) SP15/13/viii of the draft Local Plan Review contain the same policy test, that in delivering quality buildings, schemes should

Incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste;

Other Planning Guidance

Whilst not formally part of the statutory 'development plan' suite of documents, a guidance note is available on the website entitled *Refuse and Recycling Requirements for Developers Prior to Submitting* and as with other Council strategies, is capable of being a material consideration, along with the planning policies above.

It is principally designed to be taken on-board by architects prior to formalising their scheme and sets out, for example:

- The storage requirements for household refuse
- The communal requirements for flatted development
- Location of collection points
- Vehicle access requirements.

It is therefore more of a technical note, which would ideally be supported by more 'educational' guidance on both internal and external design approaches.

Discussion

Clearly the 'Development Plan' already allows consideration as to whether both the construction and operational phases of development respond to the hierarchy. However, it offers no detailed guidance as to the specific tests to apply, nor what thresholds / expectations may be reasonable.

As such, it is difficult for DM Officers to pursue a more proactive approach to waste management.

It only tends to be very large applications that are accompanied by a formal Environmental Impact Assessment that assess the waste impacts of the construction process, but even then tends to be focussed on how waste produced is managed, rather than reducing waste or how the construction itself can incorporate recycled materials.

To go as far as creating policy demanding certain levels of recycled material to be used in the construction process would require evidence-base and is also likely to experience pushback from the development industry, particularly large housebuilders who's design and construction processes are very rigid.

A question for MBC will be whether, as part of a wider drive on sustainability:

- Does it wish to be a 'pioneering' authority, setting standards or
- Simply follow by setting basic standards of waste management

Risks

There are numerous risks associated with the failure to address waste reduction rather than simply waste management:

- The application of the waste hierarchy is a key part of the part of the overall sustainability circle
- We have a legal duty to have regard to the Waste Hierarchy
- The hierarchy must be treated as a whole, if we only address how the waste produced is managed, then the proverbial horse has already bolted and we are remediating not preventing.
- Poor waste management results in poor quality development
- Poor quality development impacts on population behaviour
- It can impact on WCA operations (efficiency and costs)
- Health and safety issues can arise

Examples of Poor Planning

The following images show 'generic' examples of the impacts of poor waste prevention / management, including:

- Inadequate communal waste storage
- Poor streetscape on traditional housing 'estates'
- Poor provision / management of commercial waste
- Adverse impacts on the public realm



There are also practical issues associated with the inadequate planning, for example:

- Inadequate space for service vehicles to access and manoeuvre
- Poor planning for parking
- Damage to public realm due to the above



Local Example

Complaints relating to issues around inadequate waste provision rarely come through to the Planning dept (thus the benefit of initiating design reviews). However, we were approached by residents, supported by local Councillors and the MP regarding various aspects relating to a high rise property.

'Tower X' is a former office building, converted to residential through the 'prior notification' process. Unfortunately, this process of deregulation limits the level of control that the Council has over matters such as design, access, amenities and services.

In the case of this building, residents are reporting numerous issues relating to the fabric and management of the building, fire risks, but also issues such as unsocial behaviour.

The images below show issues associated with the inadequacy of the former office refuse store to cope with a high-density residential occupation. Residents report that issues are not confined to simply inadequate bins, but refuse overflowing internally to communal areas (a fire risk), overflowing to the surrounding public realm (amenity risk), vermin associated with all of the above, etc.

More notably, residents report that the poor appearance of the building associated with the above has attracted anti-social behaviour, vandalism and trespass which they believe is encouraged in-part by the poor appearance of the site.

Not only has this adversely affected residents, but has required further investigation / intervention from Council services such as enforcement, street cleaning, waste collection, planning, building control and housing.



Examples of SPD's

In order to manage and mitigate the sheer scale of planned growth, over time **The Greater London Authority** have invested considerable sums and intellectual property in developing a framework of sustainable development policies. This includes a detailed SPD on waste management, particularly in the context of higher density development.

The attached link refers to the Old Oak Common Development Corporation Area. This is obviously a large-scale regeneration scheme with large scale new-build development, where it is possible to incorporate, for example, innovative communal recycling infrastructure into new buildings and areas of public realm.

Nevertheless, a similar form of guidance could be prepared for the proposed Garden Settlements and principles adopted for other larger scale / higher density developments promoted through the local plan review.

[waste management in high density development spd.pdf \(london.gov.uk\)](#)

Plymouth CC have also prepared a formal DPD on waste. Whilst the main body of the DPD deals with waste management sites / facilities, Chapters 1-3 and 7-9 illustrate how the wider issues relating to reducing waste and increasing recycling can be incorporated into our overall 'development plan'

[WasteDevelopmentPlan.pdf \(plymouth.gov.uk\)](#)

Conclusions

- Clearly poor planning for waste management can have adverse impacts upon residential amenity, the public realm and influence behaviour.
- In doing so it can affect the deliverability of Council's collection services and draw in other services to manage associated impacts.
- The planning process does not currently afford significant weight to waste management.
- In particular, there is limited regard paid to the correct end of the hierarchy, ie, prevention and education.
- However, in order for the planning process to be more proactive at the right end of the hierarchy, we will require more support from policy / SPD guidance.
- This may necessitate evidence-base and will incur policy and legal advice costs too.

- It is considered that a more proactive approach to waste should form part of a wider suite of sustainable policy / SPD that is not currently addressed in the Local Plan.
- For developments that circumvent traditional planning controls, the Council may need to consider what other measures / legislation it can invoke.