

DERBY AND DERBYSHIRE WASTE LOCAL PLAN

March 2005

**Prepared and published jointly
by Derby City Council and
Derbyshire County Council**

Adopted 2 March 2005

PREFACE

Derbyshire is a county near the centre of England and within the East Midlands Region. It has a population of about 930,000. The City of Derby, with a population of some 240,000, is its largest settlement and lies in the south of the county. The other major town is Chesterfield in the north east of the county.

Derbyshire is a very varied county. Much of it is rural in character but it also contains well-populated areas based historically on coal mining and a wide range of industries. The north-western part of Derbyshire contains most of the Peak District National Park. However the park is excluded from this plan's area of coverage.

This waste local plan has been prepared jointly by the city and county councils, as waste planning authorities, and covers the area shown on the proposals map at the end of the plan. It may also be viewed on the county council's web site: www.derbyshire.gov.uk (then enter Environmental Services page).

This adopted plan is based on the Revised Deposit version of the plan, which was published in August 2003 and therefore contains data and other information from before that date; it does not contain updated data and its references to the development plan and government guidance pre-date the Planning and Compulsory Purchase Act, 2004. However, it does incorporate the modifications which were published by the two councils in November 2004 and which accord with the recommendations of the Inspector's Report.

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Hindi यदि आपको इस दस्तावेज़ को पढ़ने या इसके किसी भाग का अनुवाद कराने के लिए सहायता चाहिए तो हम से सम्पर्क करें । **01332 255910**

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EXPLANATORY NOTE

This plan should be read in the light of the following information.

1. The plan's policies deal with "waste development".

The policies and the associated text explain the circumstances in which planning permission for "waste development" is likely to be granted or refused. "Waste development" (for the purposes of the plan) is development which requires an application for planning permission and which is primarily for the purpose of managing (i.e. treating, storing, processing or disposing of) waste (i.e. refuse or waste materials).

2. The plan, by law, may not set out requirements (not even waste management requirements) for other forms of development, such as housing, shopping or industry.

Those developments are covered by other local plans, even if dealing with waste is part of the development (eg a power station which will use fuel derived from waste).

3. The plan does not deal directly with waste collection, home composting or encouraging or educating people to reduce or recycle waste.

Documents which give detailed coverage to those topics include the Derbyshire Waste Management Strategy.

The waste management strategy is jointly produced by the district (including borough) councils and the city and county councils, in their roles as waste collection and disposal authorities (the district councils let contracts for the collection of waste, the county council lets contracts for the disposal of most of the waste that is collected and the city council combines both duties within the City of Derby). Owing to the government's Best Value and other measures, the collection and disposal authorities have further duties, such as ensuring that their contractors meet recycling targets.

The waste management strategy considers the future of waste management (including how the targets may be met) throughout Derby and Derbyshire, including the area within the Peak District National Park.

The waste local plan makes use of the information and policies contained in the waste management strategy.

4. The plan influences waste collection and disposal.

The policies of the local plan will influence the location of collection and disposal facilities and so will influence the nature of the municipal waste contracts.

5. The plan includes text in ^[superscript].

To assist understanding of the plan there are references in it, in ^[superscript], to appendix A, which defines and explains technical terms and other difficult concepts."

Chapter 1 THE PURPOSE AND ROLE OF THE WASTE PLANNING STRATEGY AND THE WASTE LOCAL PLAN

Introduction to the strategy and the plan

1.1 Waste planning authorities ^[A2.4] have a statutory duty under the Town and Country Planning Act, 1990, to prepare development plans for waste ^[A1.1]. Government guidance, in Planning Policy Guidance Note (PPG) 10, “Planning and Waste Management” (September 1999), requires waste planning authorities to prepare waste local plans “as soon as possible”.

1.2 The PPG (paragraph 8) also advises waste planning authorities to prepare “waste planning strategies” for their area. The strategies should take account of European legislation, the national waste strategy, national and regional guidance and the strategies of regional technical advisory bodies.

1.3 The waste local plan is the statutory document but the Derby and Derbyshire waste planning authorities have followed the PPG and prepared a waste planning strategy and that has helped in the preparation of the plan.

1.4 This chapter describes the context for the plan and the workings of the document. Chapter 2 sets out the waste planning strategy, which forms the background to the plan’s policies ^[A3.6].

The function of the local plan

1.5 The local plan covers the administrative areas of Derby and Derbyshire outside the Peak District National Park. The waste planning authorities ^[A2.4] of those areas are the city council and the county council. The main function of local plans is to help in determining planning applications for development by setting out the planning authorities’ policies and proposals ^[A3.6] for the development and use of land (PPG 12, paragraphs 3.14 & 3.11). Therefore, this local plan explains the situations in which planning permission for waste development will be granted or refused.

1.6 PPG 12, “Development Plans” (December 1999), advises that local plans should last for a period of ten years from their forecast adoption date, which in this case is 2005. So this local plan will cover the period from initial deposit up to 2015.

The structure of the local plan

1.7 The plan consists of a written statement and a proposals map. Written statements set out detailed policies for the control of development, which apply throughout the plan area, and specific proposals for the development or protection of particular areas of land. The policies in this plan are set out in **bold type**. The plan does not contain specific proposals for development. The proposals map, a

statutory requirement, shows the plan area, which is the area to which all the policies apply.

1.8 Following this background chapter, chapter 2 establishes a waste planning strategy for Derby and Derbyshire. Following from the strategy, chapters 3 & 4 set out the policies which apply to all proposals for waste development: those in chapter 3 reflect the waste management ^[A2.1] and land use principles set out by government and the Derby and Derbyshire Structure Plan ^[A3.5]; those in chapter 4 cover the other important principle, protection of the environment. Chapter 5 assesses the need ^[A3.7] for more landfill ^[A2.10] space, with particular reference to the sub-areas. Chapter 6 sets out policies for landfill development. Chapter 7 discusses a range of types of waste management facility and gives additional guidance for the consideration of planning applications for such facilities.

1.9 Appendix A defines most of the terms and concepts which emanate from legislation or are otherwise not a part of common English usage. Appendix B is a summary of a technical working paper which examines whether there is sufficient landfill capacity in the plan area to accept the county's waste. Appendix C summarises the government's targets for the recovery ^[A2.7] and landfill of waste. Appendix D contains an appraisal of the plan's contribution to sustainable development. Appendix E lists existing waste management sites.

The local plan's scope and its relationship with the development plan and development control

The development plan

1.10 Section 54A of The Act requires that planning applications be determined in accordance with the "development plan", unless material considerations indicate otherwise. Because the development plan, in Derby and Derbyshire, consists of the adopted structure plan and adopted local plans, the waste local plan is very important in the making of planning decisions.

1.11 The local plans prepared by each local planning authority have policies relating to nearly all types of development which require planning permission but, apart from policy MP 14 of the minerals local plan, they do not contain general policies for waste development. They do contain a comprehensive range of policies for environmental protection, policies which are appropriate to the area of the particular local plan and which may also apply to applications for waste development. They also have policies addressing the consequences of development, including how the waste generated by the development can be sustainably managed.

1.12 It must be emphasised that, to get a complete picture of the policies and proposals affecting any waste development application, it is necessary to read the plan as a whole and, indeed, to read the other parts of the development plan. The waste local plan addresses all relevant aspects of waste development but seeks not to repeat unnecessarily nor to contradict the policies of the other parts of the development plan.

The environmental impact of development: assessment and monitoring

Assessment of environmental impact

1.13 Applicants for planning permission will normally submit an assessment of the potential impact of the development on environmental, social and economic resources. The degree of complexity of the assessment will be related to the scale of the proposal and the sensitivity of its proposed location. The assessment should show that, amongst other things, the proposal accords with the policies of this local plan and the other parts of the development plan. For a range of developments which are likely to have a significant environmental impact, there is a statutory requirement (Town and Country Planning (Environmental Impact Assessment) Regulations, 1999) for the applicant to submit, with the application, an environmental statement. The assessment must consider specified environmental interests, including the potential effects of the development on people's amenities and health, assess the likely impact of the development on those interests and explain how the development would avoid, reduce or offset them.

Monitoring of environmental impact

1.14 The waste planning authority can impose conditions or agree planning obligations ^[A3.15] to ensure that the impacts of the development (for example, the levels of dust, noise, vibration and emissions to the atmosphere) are limited and monitored and that the development accords with the permission.

Relationship of planning conditions and obligations to waste local plan policies

1.15 It is not the intention that the local plan policies should lead to the refusal of applications which could be made acceptable by conditions or legal agreements. Rather, the policies should be read as encompassing all possible conditions and agreements. The use of appropriate planning conditions or legal agreements can ensure the effective control of waste operations and reduce their impact on the environment. It may enhance the quality of development and enable proposals to go ahead with safeguards, environmental improvements or other commitments. The waste local plan policies assume that such conditions and agreements would be applied where relevant (for instance by having a condition that protects a natural history feature so that it passes the test of policy W5).

The precautionary principle

1.16 When considering planning applications, decision-makers ^[A3.11] should consider what measures they might require (for example, what conditions they would impose) to minimise possible threats of serious or irreversible damage, in accordance with the "precautionary principle", as advised in Part 2 of Waste Strategy 2000 ^[A3.1]. Paragraphs 4.3 onwards of this plan explain the precautionary principle and its companion, the principle of proportionality, in more detail. Policy W4 in that chapter incorporates the two principles.

Sustainability appraisal

1.17 To follow guidance in PPG 12, the waste planning authorities have carried out an appraisal of the effects of the plan's policies on the sustainable development agenda, including its environmental effects. The results of the appraisal are reported in full in a separate technical working paper, "Sustainability and Environmental Appraisal of the Derby and Derbyshire Waste Local Plan", which is available from the two councils.

1.18 In summary, the appraisal shows that, in general, the policies contribute very positively, as far as land use policies can, to furthering sustainable development objectives. The appraisal finds certain minor negative effects but recommends no changes as a result of the appraisal.

Chapter 2 DERBY AND DERBYSHIRE WASTE PLANNING STRATEGY

Introduction

2.1 In light of the government's advice in PPG 10 ^[A3.1], this chapter sets out a waste planning strategy for Derby and Derbyshire. The waste planning strategy is not the same as the Derby and Derbyshire Waste Management Strategy. The latter document, which paragraphs 2.38-2.40 below describe, was prepared by the waste collection authorities and waste disposal authorities ^[A2.4] of the city and county. It deals primarily with waste management processes; it is not directly concerned with issues arising from the Town and Country Planning legislation.

2.2 The waste planning strategy sets a context for the Derby and Derbyshire Waste Local Plan. The waste planning strategy:

- acknowledges the waste management policies and targets set by higher-tier and local authorities which the waste local plan must help to achieve; and
- establishes a main "aim" and "policy objectives" for the local plan.

Legislative and policy background

European legislation

2.3 European legislation is applied nationally and locally in the form of "directives" ^[A3.1]. The directives relevant to this strategy and the local plan aim to achieve sustainable waste management ^[A2.2]. They require considerable reductions in the proportion of waste being landfilled and emphasise the importance of recovering value ^[A1.1 & A2.7] from waste. The Framework Directive on Waste (1975, with amendments to 1991) requires that waste management should not endanger human health or harm the environment. It also requires that provision for waste disposal should be integrated ^[A2.3] and adequate and made available locally.

2.4 The Landfill Directive (1999) sets targets, to be applied by each member state, with regard to the amount of biodegradable municipal waste ^[A1.2 & A1.3] that can be landfilled. Other relevant elements of the directive include a ban on co-disposal ^[A2.14] and a requirement that all waste be treated, to recover value and to make it less hazardous ^[A1.6], before disposal to landfill. Greater provision for pre-treatment is likely to generate a need for more facilities for sorting and recovering value from waste before it is landfilled.

2.5 Several European directives applying to specific types of goods and waste will affect the quantities of waste being recovered and landfilled but their significance for waste planning in Derby and Derbyshire cannot yet be estimated. They include the "End-of-Life Vehicles", the "Batteries and Accumulators" and the "Waste Electrical and Electronic Goods" directives.

National policy

2.6 The government's sustainable development strategy, "A Better Quality of Life" (1999), has four sustainability objectives: effective protection of the environment; prudent use of natural resources, social progress which meets the needs of everyone; and high and stable levels of economic growth and employment. National policy on waste management reflects the sustainable development strategy.

2.7 The government has described its waste management policies in several documents. The two documents which are most relevant to the waste planning strategy and the local plan are the national waste strategy, "Waste Strategy 2000" (May 2000), and Planning Policy Guidance Note (PPG) 10 (September 1999).

Waste Strategy 2000

2.8 The national waste strategy seeks "sustainable waste management". It states that "the way we manage ... the waste that we produce can make an important contribution to sustainable development" (Waste Strategy 2000, paragraph 2.3) and that waste planning authorities should take an "integrated approach to waste management" (Waste Strategy 2000, Paragraph 4.13).

2.9 The national strategy explains the role of the Best Practicable Environmental Option (BPEO) and the "key considerations" (see below). It seeks to deliver the targets of the European Landfill Directive; it imposes an additional target for reducing the landfilling of industrial and commercial waste ^[A1.4]; it also sets national municipal waste recovery targets and national household waste ^[A1.2] recycling and composting targets.

Planning Policy Guidance Note 10 (PPG 10)

2.10 The PPG aims to assist planning authorities in the preparation of waste local plans and the determination of planning applications. It does not state a preference for particular waste management solutions but advises that waste planning authorities should be "informed by the national waste strategy and consideration of the BPEO for each waste stream" (PPG 10, paragraph 3).

Guidance on Municipal Waste Management Strategies

2.11 Published in March 2001, the guidance gives advice on the preparation of municipal waste management strategies (see below). It also sets out the performance standards imposed by The Local Government (Best Value) Performance etc Order 2001, for recycling and composting by waste collection and waste disposal authorities. Appendix C of this plan lists the statutory recycling and composting rates for Derby and Derbyshire.

National guidance: The Best Practicable Environmental Option

2.12 Waste Strategy 2000 explains that waste is "a complex mixture of different materials, in differing proportions" (Part 2, paragraph 3.3). At different times and places and through the use of different processing methods, those materials can impact in different ways on the environment. The strategy says that, in a sustainable and integrated system, such factors must be taken into account when decisions are made on how best to manage waste.

2.13 The government's recommended means of assessing those factors is a technique or process known as the Best Practicable Environmental Option (BPEO), which is "the outcome of a systematic and consultative decision-making procedure which emphasises the protection and conservation of the environment across air, land and water. The BPEO procedure establishes, for a given set of objectives, the option that provides the most benefits or the least damage to the environment as a whole, at acceptable cost ^[A3.8], in the long-term as well as in the short-term" (12th Report of the Royal Commission on Environmental Pollution, February 1988).

Using the BPEO

2.14 There may be different BPEOs for any particular type of waste at different places or at different times. Furthermore, the BPEO for a particular waste stream "is likely to be a mix of different waste management methods" (Waste Strategy 2000, Part 2, paragraph 3.7). PPG 10 advises that waste planning authorities should be "informed" by consideration of the BPEO for each waste stream.

2.15 The BPEO depends partly on the life-cycle of any particular product and can also vary from area to area. To assess the BPEO, Waste Strategy 2000 recommends decision-makers ^[A3.11] to use an approach which is:

- comprehensive, ensuring that all concerns regarding waste management alternatives can be seen to have been addressed;
- flexible, allowing the robustness of potential decisions to be thoroughly explored;
- iterative, enabling development and refinement of the options;
- transparent, so that the reasons behind a particular choice are made clear.

Land use planning and the BPEO

2.16 The land use planning system, like the Best Practicable Environmental Option process, makes use of "a systematic consultative and decision-making procedure which emphasises the protection and conservation of the environment across land, air and water". The main distinctions between the planning and the BPEO processes are:

- the BPEO process is primarily an environmental protection consideration, looking at the effects on the environment of potential pollutants such as a waste stream and at how those effects might be altered by different management methods. It is relevant to all of the waste industry and regulators ^[A2.5], not just those involved with land-use planning;
- planning looks not just at the options for management of the waste stream but also at the effects of the proposed development: that is, at the changes which that development would make to the local environment and to travel patterns and its impact on land uses across its area of influence.

2.17 Some applications for waste development might offer benefits but might not represent the Best Practicable Environmental Option for the waste streams which the applicant intended to process. For example, whilst the infilling with waste materials of an abandoned quarry to enable its reclamation might be a positive use of the waste, it might also involve the importation of large quantities of unsorted waste from remote urban areas outside the region: it might conflict with the intentions of the waste hierarchy, the proximity principle and self-sufficiency (for explanations of those terms, see below). For most of the materials in that waste stream, there might

be better – yet practicable – environmental options. That might result in an adverse BPEO assessment. In assessing the planning application the planning authorities would have to balance any adverse BPEO assessment against the social, economic and environmental benefits of restoring the abandoned mineral site.

National Guidance: The key considerations

2.18 Waste Strategy 2000 (Part 1, paragraph 4.5) establishes three “key considerations” which should be applied in assessments of BPEO. Implementation of the key considerations, which are “the waste hierarchy”, “the proximity principle” and “self-sufficiency”, should help to achieve the task of sending less waste to landfill and sending more waste for recycling and recovery.

The waste hierarchy

2.19 The “waste hierarchy” is a list of the government’s priorities regarding the creation and management of waste. For example, at the bottom of the list is landfill, which the government says should normally be the last resort for waste management. The top priority for decision-makers is to “start with a review of how less waste might be produced” (Waste Strategy 2000, Part 2, paragraph 3.7), and so waste reduction is at the top of the hierarchy. Waste reduction ^[A2.6] is something which every member of society can achieve but, as explained below, is not something which this strategy can further. Below reduction, in the hierarchy, there is a scale of options for the waste which is produced. The options seek to use waste as a valuable resource. The hierarchy is set out in the following paragraphs.

2.20 First, reduction: at the top of the waste management hierarchy, reduction ensures that less waste is produced. The waste planning strategy and the local plan may not directly affect waste reduction activities because such activities would not normally involve development requiring planning permission.

2.21 Second, re-use: the use of products or materials more than once, delaying their becoming waste. As with reduction, re-use is something which the local plan cannot greatly affect.

2.22 Third, recycling, composting and energy recovery. The development of some forms of recycling facility, such as a public or commercial composting plant, will normally need planning permission. The local plan should facilitate the development of schemes for recycling, composting and recovery.

2.23 The role of energy recovery. Energy recovery is at the same level in the hierarchy as recycling and composting (DETR response to waste local plan issues report, see Report of Publicity and Consultations). Nevertheless, Waste Strategy 2000 (Part 1, page 8) says that energy recovery plant should avoid competition with recycling and, where possible, should incorporate combined heat and power technology. Paragraphs 7.41 et seq. of this plan explain that there is a variety of energy recovery technologies. From those technologies, the government has picked out incineration for particular comment: it has stated that all opportunities for recycling should be considered before incineration (Waste Strategy 2000, Part 1, paragraph 4.5, and evidence of Michael Meacher to Commons Environment Sub-committee, December 2000). The local plan should seek to ensure that such opportunities are considered.

2.24 Fourth, disposal, the lowest point of the hierarchy, when waste is deposited, say at landfill, or burnt without energy recovery. This waste planning strategy accepts that there will be a need ^[A3.7] for landfill and that some additional landfill sites may be necessary to cater for wastes for which landfill is shown to be the Best Practicable Environmental Option. The local plan should enable the provision of additional sites but only where they are necessary.

The proximity principle

2.25 This principle states that waste should generally be managed as near as possible to its place of production in order to avoid passing the environmental costs of waste management to communities which did not produce the waste and to reduce the environmental costs of transporting waste. The application of the principle should be a central feature of the waste local plan.

2.26 Waste Strategy 2000 does not define “proximity”. Clearly, it is not possible to specify a generally acceptable travel distance for waste because every case is different. A practical approach for those assessing new applications for waste development is to look at existing patterns of waste movement and to consider whether the new development would shorten the travel distances substantially.

2.27 Exceptions to applicability of proximity principle. There may be situations where the proximity of the proposed new development to the market for its products would be more important than the proximity to the waste source. An example would be the location of a combined heat and power plant, which would need to be close to the buildings it was to heat.

2.28 The environmental and economic benefits of transporting waste by energy-efficient means of transport, particularly long-distance haulage by rail or water of large quantities of waste, may override the importance of the proximity principle.

Self-sufficiency

2.29 Self-sufficiency means that waste should not be exported from the UK and, where practicable, should be managed within the region in which it is produced.

2.30 Exceptions to applicability of self-sufficiency. In fact, management within the region will not always be practicable. Therefore, whilst the local plan should promote self-sufficiency as a planning consideration, it should recognise that it may sometimes be necessary to give priority to “proximity”. Waste Strategy 2000 acknowledges that “waste management solutions may sometimes cross planning areas” (Waste Strategy 2000, part 2, paragraph 3.25).

2.31 There may be cases where other considerations take precedence over the principles of both proximity and self-sufficiency. For example the transporting, by rail or water, of large loads of waste over long distances and across regional boundaries may be preferable in terms of acceptable cost ^[A3.8] and environmental impact than short-distance trips by lorries carrying relatively small loads.

Regional guidance

RPG 8

2.32 Derbyshire is in the East Midlands region (see Map A). Planning policy for the city and county must have due regard to the regional planning policies. The regional policies are derived from the policies of the national government and are set out in Regional Planning Guidance Note (RPG 8: Regional Planning Guidance for the East Midlands to 2021 (January 2002)).

2.33 The waste management policy of RPG 8 (Policy 55) requires waste planning authorities to adopt the Waste Strategy 2000 landfill target for industrial and commercial waste and its household waste targets. It also sets requirements for development plans, including that they should: take an integrated approach to waste management; have strategies which implement the national waste strategy; assess likely requirements for waste treatment facilities, taking account of government policy to minimise waste arisings; avoid excess provision of landfill sites; and seek to integrate sites with rail and water-based transport.

Integrated Regional Strategy

2.34 The East Midlands Integrated Regional Strategy (IRS), published by the regional assembly, is the sustainable development framework for the East Midlands region. The first edition was published in December 2000. The strategy is broader in scope than the regional planning guidance, covering the realms of economic, social, environmental and spatial development in the region. The strategy will influence regional decision-makers on matters affecting the environment.

2.35 With regard to waste development, the Regional Environmental Strategy (RES), October 2002, which was prepared within the framework of the IRS, seeks to “promote and support sustainable waste management practices and minimise the impact of waste on the environment” (RES, Policy ENV16).

Strategic Waste Management Assessment

2.36 The Environment Agency, as a waste regulator, has statutory duties to monitor the treatment, storage and disposal of controlled waste and prevent or minimise the effects of pollution on the environment. Part of its role is to provide up-to-date information on waste arisings and the need for management and disposal facilities. It included such information in a Strategic Waste Management Waste Management Assessment (SWMA) for the region, published in October 2000, and has provided more recent information, which has been particularly useful in the preparation of the waste local plan.

Regional Technical Advisory Body

2.37 The Regional Technical Advisory Body on waste (RTAB) is a working party of the region’s experts and has access to data provided by the Environment Agency (on waste sources, streams and sinks), by local authorities (on the recycling, composting and other treatment of municipal waste) and by other agencies, as required. The RTAB advises the regional planning body on options and strategies for dealing with the region’s waste. It contributed to the preparation of the waste policies of RPG 8.

Derbyshire policies

Derbyshire Waste Management Strategy

2.38 The Derbyshire Waste Management Strategy, first published in 1999, [N205] takes an integrated and flexible approach to municipal waste management for the city and county, including the area within the Peak District National Park.

2.39 The strategy is part of an evolving process in which the waste disposal and collection authorities are continually striving to improve their approach to the collection, treatment and disposal of municipal waste. The strategy documents explain that approach and are updated periodically. The waste management strategy is not a land-use planning strategy but, as it provides a sustainable basis for the letting of waste management contracts, it has implications for land-use planning.

2.40 The principal aim of this waste planning strategy (defined in para 2.61, below) has regard to the need to address the land-use implications of the waste management strategy. The local plan policies should make provision for the development of waste management facilities such as those described in the latest review of the waste management strategy. As part of an integrated approach to waste management, the plan's policies will influence the letting of the municipal waste contracts.

Derby and Derbyshire Joint Structure Plan

2.41 The structure plan, which is part of the statutory development plan, was adopted in January 2001. Its policies provide a broad framework for the aim and policy objectives of this strategy and for local plan preparation.

Other local plans

2.42 All the Derbyshire districts and the City of Derby have adopted local plans, which together cover the waste local plan area. The city and county have also jointly adopted a minerals local plan for the area. The preparation of the waste local plan should take account of the many policies in those plans but should not seek to duplicate or contradict them (see paragraphs 1.10-1.12).

2.43 In recognition of the valued characteristics of the Peak Park, the Peak District National Park Local Plan sets stringent criteria for the consideration of applications for waste management facilities. It expects that, when new landfill sites are needed for non-inert (now properly called “non-hazardous” ^[A1.6]) waste, the sites will be outside the national park: permission for such sites within the park will be granted only in exceptional circumstances, for example where a more suitable location outside the park cannot be found. The effect of the policy is that there are unlikely to be new, non-hazardous ^[A1.6], landfill sites in the Peak Park in the foreseeable future. The Derby and Derbyshire Waste Local Plan, when it is assessing the need for landfill in Derby and Derbyshire, should acknowledge that effect. To the extent that the Peak District National Park Local Plan does not provide for all the waste management facilities which may be needed, this local plan should make the necessary provision for such facilities to be developed outside the park.

The production and management of waste in Derbyshire

Waste production

2.44 The government is committed to “breaking the link between economic growth and waste production” (Waste Strategy 2000, Part 1, paragraph 2.7). The chief implication of the government’s commitment, for this waste planning strategy, is that the strategy must assume that current growth rates of waste production will not continue. Failure to fulfil the government commitment on reducing the growth of waste production would make it less likely that the landfill and recovery targets would be achieved. This strategy is committed to the achievement of those targets.

2.45 There is no doubt that fulfilling the commitment in Derby and Derbyshire will be a major challenge for local businesses, the waste collection and disposal authorities and the general public. It is likely that their success in meeting that challenge and the availability of markets for recycled products will have more influence on the attainment of the government’s recovery and landfill targets than will the provisions of the waste planning strategy or the waste local plan.

2.46 Even so, the local plan’s role in helping the county to move towards achievement of the targets will be important. It should establish an up-to-date, statutory planning context which would allow for the development of the facilities necessary for the attainment of the targets.

Municipal waste

2.47 Municipal waste accounts for around a quarter of total waste arisings. According to Waste Strategy 2000, household waste and biodegradable municipal waste increased nationally to the year 2000 at about 3% per annum (Part 1, summary and paragraph 1.8). Locally the pattern was similar but may be changing. In 2000/2001, the growth rate of municipal waste in Derbyshire fell to less than 1%.

2.48 Growth is influenced by cultural, social, demographic, and economic factors and it is impossible to predict future rates of growth or decline in waste production. There is no national or regional guidance on the future growth of household or biodegradable municipal waste. However, the government’s commitment to breaking the link leads it to postulate a scenario of 0% growth (Waste Strategy 2000, Part 1, page 11).

2.49 The “forecasting” chapter of “Strategic Waste Management Assessment 2000: East Midlands” (Environment Agency, Oct 2000) assumes two alternative rates for the future growth of municipal solid waste ^[A1.2] over the next 20 years. The assumed rates are: a continuation of the national annual growth rate of 3%; and an alternative of 1% which is based on successful education and minimisation initiatives. As the Environment Agency says, “forecasting ... is notoriously uncertain (SWMA, Chapter 5).”

2.50 The waste planning authorities acknowledge the government's commitment to achieving zero growth. Increasing wealth (and consequent consumer spending) may create a tendency towards increases in waste production but that will be balanced by a tendency towards reductions due to greater efforts by the public and business to minimise waste.

2.51 In its estimates of the likely annual municipal and household waste production of Derby and Derbyshire for the plan period, the waste local plan should assume that, over the plan period, there will be no growth in waste production per person. However, the estimates should take account of predicted changes in population and household size and numbers.

Other wastes

2.52 *Industrial, commercial, construction and demolition wastes.* Industrial, commercial, construction and demolition ^[A1.5] wastes account for about three quarters of total waste arisings. Prediction of future arisings is difficult because until recently there has not been a consistent system of data collection and because changes in the economic situation for key waste-producing industries and businesses and in legal and financial regulation can make big differences to the behaviour of companies. The Derbyshire Waste Management Strategy (1999) states (paragraph 6.8), "... the starting point should be to consider waste management options for the future on the basis that the levels of industrial and commercial waste production will remain broadly constant ..."

2.53 The waste local plan should assume that the levels of industrial and commercial waste production will remain constant, varying only if there is likely to be a major change in the nature of firms or numbers of employees in a particular waste management sub-area.

2.54 *Hazardous waste.* It is possible that quantities of special or "hazardous" waste ^[A1.6] will increase because legislation and regulation will lead to more wastes being classified as hazardous. That would affect the proportions of hazardous and non-hazardous wastes within the municipal, industrial and commercial categories. But hazardous waste is likely to remain a small proportion of the waste stream; it is unlikely to influence greatly, for example, the amount of void space needed for the disposal of the various categories of waste described above (see also paragraphs 5.6-5.10). Nevertheless, the waste local plan should allow for the possibility of some small increase in hazardous waste and of a need to provide new facilities for the management of such waste.

Waste management

2.55 The waste planning authorities assume that the government targets set out in appendix C of this document will be achieved. To assume otherwise would be to be in unnecessary conflict with Waste Strategy 2000 and with the aims of the waste collection and disposal authorities to achieve the Waste Strategy 2000 and other Best Value targets. Because there will be regular monitoring by the Environment Agency, the waste management authorities and the waste planning authority authorities, as described below, it will be possible to assess progress towards the targets and amend the assumption if necessary.

2.56 The waste local plan should make provision in accordance with the assumption. If it successfully does so, it will assist in achieving the government's targets. It should offer flexibility for the waste and development industries to provide a wide range of facilities. Whilst some of those facilities would take some years to develop, they could eventually take recovery levels beyond the targets and further reduce the proportions being landfilled. There will nevertheless be a continuing need to dispose of large quantities of the city's and county's waste by landfill. The plan should provide for planning permission to be granted for landfill development in cases where there is a need for landfill to serve the local area and always subject to environmental considerations.

A policy criteria approach to providing for waste development

2.57 PPG 10 provides guidance on how plans should make provision for development when a need for new or replacement facilities has been identified. Paragraph 33, states: "the identification of specific sites for development is the best way that the planning system can make provision for waste management facilities" and, "if this is not possible, waste local plans should justify why this approach has not been followed". This strategy does not intend that the plan should identify specific sites; rather, the plan should adopt an approach suggested as an alternative in the guidance, which involves identifying comprehensive criteria against which proposals for waste development will be considered. In doing so, the plan should seek to assist in the development of the most sustainable waste management solutions.

2.58 For the plan area, it is not possible to follow the "specific sites" approach for a number of reasons, which are explained below. Generally, the reasons arise from: Derbyshire's particular geographical location and the current lack of clearly suitable landfill sites; the need for flexibility, reflecting the recommendations of the Derbyshire Waste Management Strategy and catering for future changes in major waste management contracts; and the existence of unimplemented major planning permissions for waste developments.

Derbyshire's location and lack of sites

2.59 Derbyshire is in a very unusual geographical location, with almost two thirds (61%) of its boundary adjoining neighbouring regions, and being greatly influenced by conurbations just outside its boundaries. In the area stretching from Derby/Nottingham to Chesterfield/Sheffield, the cross-boundary relationship is evidenced by overlapping travel-to-work areas, the need for green belt restrictions on development and the fact that waste is already transported inwards and outwards to and from Derbyshire. Other parts of Derbyshire exhibit similar characteristics. For example, much of South Derbyshire District is in the Burton (a West Midlands region town) travel-to-work area; and the need for a separate swathe of green belt between Swadlincote and Burton to prevent these towns from merging indicates that there are strong cross-boundary links between these communities.

2.60 At present, there are numerous short-distance movements of waste across the boundaries and such movements are likely to continue in the future. Some major facilities already receiving waste generated in Derbyshire, such as at Sutton-in-Ashfield in Nottinghamshire, are located outside the county. Other facilities in north east and north west Derbyshire have the potential for attracting waste from Sheffield and Greater Manchester respectively.

2.61 The importance of those cross-boundary flows means that it is neither realistic nor desirable that the capacity of landfill sites in Derbyshire should necessarily match the quantities of waste that may require disposal. Although Derbyshire is an important mineral-producing county, most mineral voids that are created lie either in the limestone or the river valley gravel areas. Both of these areas are subject to pollution control and/or ground water protection constraints that severely restrict the opportunities for providing for landfill disposal. Opencast coal and clay sites provide geologically the most suitable and technically the most acceptable opportunities for landfill disposal. Such sites become available only as opportunities for mineral extraction arise. At present, apart from existing and permitted sites, there are no known landfill opportunities of that sort in Derbyshire. (See also paragraph 2.66 below.)

The need for flexibility

2.62 The need for flexibility is central to the Derbyshire Waste Management Strategy. To further the implementation of the strategy, which the plan seeks to do, it is important that the plan should help to provide that flexibility. The 1999 strategy commits the waste management authorities to “maximising progress towards sustainable waste management” by “using an integrated combination of methods” (Policy 1, paragraph 10.34). It acknowledges that waste management technologies and the relative economics attached to different waste disposal methods are changing fast and so it does not seek to determine – nor should the plan seek to determine – what combination of methods will provide the most sustainable and integrated solutions. But it is essential that the plan should provide the flexibility in its land use policies to enable the waste management strategy to facilitate those solutions.

2.63 Waste management in Derbyshire is entering a period of far-reaching change. All the contracts for the management (collection and disposal) of municipal waste are due for renewal in the next few years and it is not possible to anticipate what contracts might be awarded or the nature of the systems that might be put in place as a consequence of the new contracts. Although they will be primarily concerned with municipal waste, the new operators are likely also to have significant involvement with the management of private sector waste as they seek economies of scale and as the waste management system becomes more integrated. Thus the contracts will have a substantial, but an unforcastable, influence on the way facilities may need to be developed in the future.

Unimplemented planning permissions

2.64 Planning permission has been granted for two waste processing plants in Derby which, if developed, will have very considerable capacity. If either is constructed, it will have a fundamental, but again unforcastable, effect on the waste management system of the city and the southern part of the county.

Why not “areas of search”?

2.65 PPG 10 puts forward the possibility of waste local plans providing guidance on “areas of search” for certain types of facility. However, for the reasons given in paragraphs 2.66 & 2.67, below, that, too, is an impractical approach in Derby and Derbyshire.

Areas suitable for landfill

2.66 As explained in paragraph 2.61, above, the provision of landfill capacity in Derbyshire is most likely to continue to be greatly dependent on coal and clay permissions. The statutory Derby and Derbyshire Minerals Local Plan does not identify specific sites for coal or clay working in Derbyshire, preferring a policy criteria approach to providing for such development. As the minerals plan could establish no clear boundary for those areas, it will not be possible for the waste local plan to be “area specific” about such landfill opportunities.

Areas for other waste management development

2.67 To take forward the proximity principle contained in government guidance and explained in paragraphs 2.25-2.31, above, the development of facilities for the handling or treatment of waste may be acceptable on land that is within or close to urban areas which are the source of the waste and on land where general industrial development (B2) is acceptable. However the requirements and potential effects of waste developments vary widely. So it would be impractical and misleading to delineate on a map, in a way that would add clarity to decisions, areas of search based on those considerations.

Other considerations

2.68 The government’s and other policies described earlier in this chapter make it clear that the plan should avoid over-provision at the bottom of the waste hierarchy and yet provide for an adequate supply of facilities for the management and disposal of waste. That can best be achieved in Derby and Derbyshire by establishing policies which are positive towards developments moving waste up the hierarchy but will enable landfill development to take place when it is essential to satisfy a need.

2.69 PPG12 (Development Plans) states: “too many site-specific policies can lead to an inflexible plan, which may become out of date and need early replacement or alteration as circumstances change. Properly framed criteria-based policies can help simplify plans, and provide flexibility in areas where that is desired. Criteria can be adopted which can be used to judge planning applications in a broad range of circumstances.” In Derby and Derbyshire, because of the reasons set out above, such a criteria-based approach will be the most appropriate way of providing guidance for planning decisions on waste development.

The principal aim and objectives of waste local planning in Derby and Derbyshire

Introduction

2.70 The “aim” states in general terms what land-use planning for waste should be trying to achieve. It sets a context for the “policy objectives” of the local plan. The policy objectives are stepping stones from the aim to the local plan policies. The objectives sound idealistic because they say what the waste planning authorities would like to do in ideal circumstances. In reality, some of the policy objectives will not be entirely compatible with others. Some may be only partially achievable. The waste local plan as a whole should balance the objectives successfully. When the assessment of planning applications raises apparent conflicts between objectives, such conflicts should be resolved by reference to the plan’s policies in relation to the individual circumstances of each case.

The principal aim

2.71 As explained earlier in this chapter, land-use planning for waste in Derbyshire should contribute to sustainable waste management. In particular, it should help to achieve the targets set in European legislation and by the national government, implement government policy guidance and address the land use implications of the Derbyshire Waste Management Strategy and the Derby and Derbyshire Joint Structure Plan. The principle “aim” established by this waste planning strategy is derived from those sources and is set out here.

Aim of the waste planning strategy

To establish a planning framework which enables the provision of adequate facilities and an integrated system for the management of waste whilst:
respecting the principles of sustainable development; and
protecting people and communities, the countryside, natural resources and the built heritage from the adverse effects of waste management.

Policy objectives

2.72 The objectives of the waste local plan’s policies are derived from that principal aim, as follows.

- 1 To permit waste development which is guided by the principles of sustainable waste management, particularly:
 - the concept of waste being a valuable resource;
 - consideration of the Best Practicable Environmental Option for each waste stream;
 - the key considerations: the movement of waste management up the waste hierarchy, the proximity principle and self-sufficiency.
2. To permit an adequate supply of appropriate sites and facilities to cater for the needs of the plan area and its communities and for the needs of the waste collection and disposal authorities and the waste management industry.

3. To permit development which contributes to the establishment of an integrated approach to waste management.
4. To permit development which: makes good use of existing infrastructure or of derelict, despoiled or under-used land and buildings; contributes to the regeneration of the coalfield and deprived areas of Derby; restores rail and water transport routes; contributes to highway safety; brings other physical benefits to the local environment.
5. To permit development which is in locations which reduce the need to travel and enables the movement of freight by rail and water.
6. To refuse development which would have material, adverse impacts on people or communities, including impacts on their health and on their enjoyment of the amenities of their locality.
7. To refuse development which would harm the open character of green belts.
8. To refuse development which would have other material and adverse impacts, including impacts on greenfield land, the best and most versatile agricultural land, the countryside, valued landscape and landscape character, biodiversity and nature conservation, interests of heritage importance, existing and potential transport routes, water conservation and resources and air quality.

Monitoring the waste planning strategy and the waste local plan

The success of the strategy and waste local plan

2.73 The waste planning authorities will carry out a continuous assessment of the success of the waste planning authorities in achieving the policy aims of the waste strategy and local plan.

2.74 PPG 12 states that local authorities have a legal requirement to “keep under review the matters which may affect the development or planning of their area.” It emphasises the importance of “having a clear and consistent system for reaching judgements on the effectiveness of plans”. The PPG advocates a system based on monitoring aims, objectives and targets.

2.75 The authorities will put in place mechanisms for carrying out a continual monitoring of the effectiveness of the waste planning strategy and the waste local plan. They will publish regular monitoring reports and, if necessary, periodic reviews of the plan to keep it effective and up to date.

What will be monitored and what targets established?

- 2.76 The continuous assessment will attempt to monitor:
- A. Whether the assumptions are generally correct on the amount of waste that is being created, and whether diversion to different forms of treatment, in accordance with the government’s targets set out in Waste Strategy 2000, is achieved;
 - B. To what extent the different elements of the local plan’s principal aim are achieved;
 - C. The experiences of users of the local plan

A. Assumptions about waste being created and diverted

A1. Municipal waste

2.77 Any changes in the creation and diversion of waste will be very closely interlinked with the operation of the waste management contracts and the other work of the waste collection and disposal authorities. Those authorities monitor their achievements in the contexts of the Best Value process and the national waste strategy targets. The monitoring process for the waste planning strategy and waste local plan will use information derived from that work as part of this monitoring process.

Indicators – municipal waste

Because of the close relationship between waste management and waste planning, particularly in terms of waste production and recycling/recovery, there can be no clear indicators of the separate achievements of waste planning. Achieving the government targets will be taken as joint targets for the waste management authorities and for this strategy and plan.

A2. Non-municipal waste

2.78 Information about non-municipal waste will be derived from the Environment Agency's Strategic Waste Management Assessments and other reliable sources.

B. Achievement of the aim of the plan

2.79 The plan's aim articulates different aspects of where we want to be at the end of the plan period. This is in contrast to the objectives of the plan which are more operational in seeking to achieve this aim. Thus, we will seek to monitor progress towards the realisation of the three different aspects of the aim. The three main elements of the aim and the indicators for monitoring their success are the provision of:

B1. Integrated and adequate facilities for waste management

Indicators

Some of the authorities' Best Value Indicators for waste management will be used as contextual indicators for the success of this part of the aim, namely :

1. B.V. 82 a and b on waste recycling and composting levels;
2. B.V. 82c on levels of waste whose value was recovered by conversion to heat and power;
3. B.V. 82d on amounts of waste sent to landfill;
4. B.V. 91 on the percentage of the population within 1km of a recycling centre.

The provision of new facilities – A regular assessment of planning permissions for and the opening of new waste management facilities, categorised by:

1. The type of facility
2. The position in the waste hierarchy of the facility (see B2 below)
3. The processing capability (eg cu. m. per annum) of the new facility.

B2. Development that respects the principles of sustainable development

Indicators (in addition to the above indicators)

1. The percentage of applications for new waste management facilities, categorised by size (annual throughput of waste), which were permitted because they conformed with the local plan policies that development should elevate the management of waste up the waste hierarchy and process the waste close to the population which it is proposed to serve.
2. The position in the waste hierarchy of newly-permitted facilities (see B1, above)

B3. Development that protects people places and resources from the adverse effects of waste management developments.

Indicator

The percentage of applications for new waste management facilities, categorised by size (annual throughput of waste), which were permitted because they conformed with the local plan policies that there should not be adverse effects to these groups or resources.

2.80 In order to provide information for these last three indicators officers dealing with applications will be asked to complete simple monitoring sheets. It should be noted however that the number of applications for waste management facilities every year are small and the numbers of permissions are expected to be even fewer, so short term trends are unlikely to be detectable from information gained from these indicators.

C. The experiences of users

2.81 As an integral part of monitoring and as part of the authorities' Best Value monitoring systems, the waste planning authorities will monitor the views of users of the system, including applicants for planning permission, officers dealing with applications and objectors to development. The authorities will seek their views on the qualities of the local plan and its value in communicating the authorities' requirements and producing efficiently arrived at, consistent and fair decisions on applications for waste developments.

Indicator

The indicator here will be the percentage of respondents who state that they are satisfied or fairly satisfied with the process and the plan.

Review of the waste local plan

2.82 PPG 12 advises that the waste local plan should be reviewed formally every five years. However, it should be reviewed sooner if there are changes to the context in which it has been prepared (for example, changes in legislation, policy or the circumstances affecting the validity of the plan's assumptions). The waste planning authorities should remain continuously aware of the overall policy context and should initiate reviews when appropriate. In particular, the authorities should monitor carefully the availability of and possible need for more landfill space, particularly to serve the south-east sub-area, and should review the plan as a matter of urgency with a view to bringing forward alterations if that should become necessary.

Chapter 3 POLICIES APPLYING WASTE MANAGEMENT PRINCIPLES

Introduction

3.1 The importance of protecting the environment is reflected in the policy objectives of this plan and is a theme which continues throughout the plan. The policies in this chapter, by applying the concept of sustainable development and other fundamental principles, seek to protect the environment whilst enabling waste development. The policies in chapter 4 directly address specific environmental concerns.

Development in accordance with the development plan

3.2 The policies of this plan reflect the policy objectives of the waste planning strategy. All carry equal weight in the consideration of planning applications. Major conflict with a single provision of any policy in this or other parts of the development plan could be a reason for refusal of permission. Evidence of need for a development may not be sufficient reason to override environmental concerns but the reverse will also be true – that the need to protect other concerns will not necessarily override the need for the development.

3.3 When assessing planning applications, the waste planning authority will always consider how well the development would relate to the other parts of the development plan, such as the minerals or district-wide local plans. Indeed, waste developments are often closely linked with other forms of development – perhaps a concrete products factory or a plastics processing plant. Where they do not pose a risk to health or the environment, those sorts of links often contribute to a sustainable and integrated waste management ^[A2.3] system and are sought by several of the plan's policies. An important responsibility of the waste planning authority, when assessing waste development applications, will be to liaise closely with the other planning authorities.

Providing for the needs of the area

Sustainable development

3.4 “Sustainable development”, says the foreword to Waste Strategy 2000, “is at the heart of” the government's programme: “if we are to deliver sustainable development it is crucial that we begin to tackle our growing mountain of waste.” The need to achieve sustainable development is also at the heart of this plan's aims and objectives. Policy W1a, below, requires waste management proposals to accord with the principles of sustainable development, in line with policy objective 1.

3.5 Policy objective 1 in the waste planning strategy (chapter 2 of this plan) refers to the Best Practicable Environmental Option (BPEO). Best Practicable Environmental Option is the national waste strategy's recommended tool for

managing waste “more sustainably” (Waste Strategy 2000, Part 2, paragraphs 3.3 & 3.4). Paragraphs 2.12-2.17 of the waste planning strategy explain BPEO and discusses its relationship with the local plan. As is clear from the waste planning strategy, a full assessment of the BPEO for a waste stream will include considerations that are not in themselves land use planning matters. But nevertheless, in assessing whether a waste development is likely to be a sustainable development, waste planning authorities must consider whether the development would play a part in contributing to the Best Practicable Environmental Option for the waste, as advised by PPG 10, paragraph 3.

3.6 Objective 2 also recognises the importance of the “key considerations” which should be used to help establish the BPEO: the waste hierarchy, the proximity principle and self-sufficiency, which are defined and discussed in Waste Strategy 2000, Part 1, paragraph 4.5, and in paragraphs 2.18-2.31 of this plan.

3.7 As explained in paragraph 2.30, the proximity of Derbyshire to three other regions (see Map A) means that it may be necessary, when considering waste management proposals, to give priority to the proximity principle over that of self-sufficiency. Paragraph 2.28 explains that there may also be circumstances in which there is a third, sometimes sustainable, option, involving long-distance transport by rail or water.

3.8 Policy W1a, like all the policies in chapters 3 and 4, applies to all proposals for waste management development, including projects incorporating new and emerging waste management methods or technologies. Development should not divert waste from more sustainable forms of management. Where practicable, it should incorporate facilities for the recovery of recyclable and compostable materials. Waste management facilities should also make reasonable provision for their by-products, end-products and waste-products to be managed at the highest practicable level in the hierarchy. In line with the national waste strategy (Part 1, paragraph 2.22, & Part 2, page 8) and PPG 10 (Annex A.55.c), developers of energy-from-waste plant should consider the potential for providing combined heat and power. Chapter 7 explains those considerations in more detail.

Policy W1a Sustainable development

3.9 **Proposals for waste development will be assessed against sustainability considerations.**

The assessment will include consideration of the Best Practicable Environmental Option and other sustainable development principles and will take account of the key considerations, which are:

the waste hierarchy;

the proximity principle;

self-sufficiency.

Waste development will be permitted if, in the light of the assessment, the applicant has shown that the development would accord with the principles of sustainable development. Waste development will not be permitted if it would not so accord.

BOX W1a

3.9.1 This box is a guide to applicants and decision-makers ^[A3.11]. It sets out the sorts of things which the decision-makers will consider when assessing whether developments are likely to accord with Policy W1a. Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues. Decision-makers would not expect proposals for waste management development to be able to respond positively to all the suggestions listed below.

The type of waste management facility proposed

3.9.2 That the proposed facility would offer an appropriate part of the BPEO for the waste streams with which it would deal.

3.9.3 That the particular waste stream(s) to be processed by the facility could not be processed, at acceptable cost ^[A3.8], by other facilities at a higher level in the hierarchy; alternatively that the waste to be handled by the facility will already have been subject to processing at a higher level in the hierarchy.

3.9.4 That the development would elevate the processing of the waste streams in the hierarchy.

3.9.5 In the case of an energy-from-waste development, that other options such as recycling or composting are not available, at acceptable cost ^[A3.8], for those materials which are to be converted to energy.

The options for utilisation of the products, by-products and waste-products of the process

3.9.6 That the development would make best use (up to contemporary standards) of its products or by-products, such as any heat or other energy generated by the process.

3.9.7 That the project's waste products (such as tar or ash from a heating process or unrecyclable materials from a sorting process) would be treated in a manner which represented their best practicable environmental option.

The origin of the waste stream(s)

3.9.8 That the proposal will enable waste to be managed closer to its source than existing facilities.

3.9.9 That it is unlikely that facilities closer to the source of the waste will be provided (for example, that there are no approved plans for such facilities in the region or county where the waste is produced).

3.9.10 If the development would not comply with the principle of self-sufficiency, that it would comply with the proximity principle.

The mode of transport of the waste stream(s)

3.9.11 That the waste would be transported by the most energy-efficient mode (that is, modes of transport, such as rail freight, which carry greater loads for equivalent energy consumption than other modes) which is practicable, taking into account the type of waste and its origin and destination.

3.9.12 That there is not an alternative mode which would have less harmful impact on people and communities ^[A3.9].

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Other sustainable development principles

3.9.13 That the development would be conceived and designed to make prudent use of natural resources – for example, it would have systems to ensure efficient use of water.

3.9.14 That the development would result in the beneficial re-use of land which would otherwise remain or become a wasted resource – for example, through the restoration of an abandoned quarry.

3.9.15 That the development would bring demonstrable benefits to local communities ^[A3.9], for instance through regeneration.

3.9.16 That the development would not harm an area's social needs or economic progress – for example, it would not damage an area's regeneration prospects.

3.9.17 That the development would mitigate, by short- or long-term benefits, all of its adverse effects on communities or land uses, for instance by enhancement of the local, natural or built environment.

Need for the development

3.10 Policy W1b reflects policy objectives 2 & 3, which seek the provision of an adequate supply of waste management facilities as part of an integrated approach to waste management.

3.11 An “adequate” supply of facilities as part of an “integrated” approach should not be considered in terms solely of size or throughput. It is necessary that the facilities are appropriate in function and are well located throughout the plan area. PPG10 advises that the provision of waste management facilities should: “meet the needs of society for the re-use, recovery and disposal of waste, taking account of the potential for waste minimisation and the particular needs in respect of special waste” [and] “should meet the needs of business and encourage competitiveness”.

3.12 In view of the need to accommodate competition, it would often be wrong for the plan to seek to limit the provision of waste management facilities. Policy W1b takes a positive approach to waste development which caters for the local area, provided of course that such development would not conflict with policy W1a and the other policies of the development plan. However, it will be necessary to scrutinise more closely applications for facilities which are likely to cater primarily for the needs of other areas. The transporting of waste from other areas would often be contrary to the principles of sustainable development and could discourage the development of local options. Accordance of a proposed development with policy W1b will help to set a context for assessing whether it should be permitted in the face of any concerns about its potential, adverse impacts.

Policy W1b Need for the development

3.13 Waste development will be permitted if the development would help to cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management.

Waste development catering primarily for the needs of other areas will be permitted only if:

the development would satisfy a need which could not realistically be met closer to the source of the waste; and

the development would contribute to an integrated system of waste management.

BOX W1b

3.13.1 This box is a guide to applicants and decision-makers. It sets out the sorts of things which the decision-makers will consider when assessing whether developments are likely to accord with Policy W1b. Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues. Decision-makers would not expect proposals for waste management development to be able to respond positively to all the suggestions listed below.

A. DEVELOPMENT HELPING TO CATER FOR THE NEEDS OF THE LOCAL AREA

Catering for the needs of the local area

3.13.2 That most of the waste would come from a source which is within the waste management sub-area.

3.13.3 That, although the source of the waste may not be within the sub-area, it is so local that the proposal would conform with the proximity principle.

The estimate of waste arisings as set out in appendix B of this plan

3.13.4 That, in the case of landfill, the proposal would contribute to meeting the needs of the area, taking into account the methodology, analyses and conclusions described in appendix B, and would not cause an over-provision of landfill ^[A2.10] or other disposal facilities.

The Derbyshire Waste Management Strategy and its sub-area assessments of the need for facilities

3.13.5 That the proposal would contribute to achieving the provision, set out in the Derbyshire Waste Management Strategy, of the necessary types of facilities for the sub-area.

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BOX W1b CONTINUED FROM PREVIOUS PAGE

B. DEVELOPMENT CATERING PRIMARILY FOR THE NEEDS OF OTHER AREAS

Waste from other areas

3.13.6 That there is a particular or special need to transport waste from other areas; and that the need is relevant to the application (for example, that the destination of the waste is significantly closer to processing facilities which will enable the appropriate treatment of the waste as part of the BPEO for the waste stream).

3.13.7 That the evidence of such need is consistent with regional guidance.

Unique, new or unusual initiatives

3.13.8 That, even though there is not a need in terms of the criteria set out above, there is a need to expand the range of facilities and this development would contribute to that need, bringing benefits such as:

enabling wastes to be processed higher up the hierarchy than could otherwise be achieved;

bringing the waste management process closer than at present to the source of the waste;

improving the environmental standards of waste management.

3.13.9 That there is a need to encourage a particular process, perhaps as a pilot project, because of its potential contribution to sustainable waste management.

Other needs

3.13.10 That there are other, particular needs, such as the need to dispose of a particular hazardous waste sustainably and without involving health risks.

C. INTEGRATED APPROACH

The promotion of an integrated waste management system

3.13.11 That the proposal would contribute to an integrated system of waste management.

The Derby and Derbyshire Waste Management Strategy and its sub-area provisions for managing municipal waste

3.13.12 That the proposal would help to co-ordinate the work of the collection and disposal authorities as set out in the provisions for the sub-area.

Links with other facilities

3.13.13 That the development would be part of a local chain of waste management facilities.

3.13.14 That the development would not compete with existing processes further up the hierarchy.

3.13.15 That the development would contribute to or link with related services, waste-related businesses and relevant infrastructure.

Transport principles

3.14 Derbyshire produces two million tonnes of controlled waste each year, much of which is moved appreciable distances before it is finally disposed of. There will continue to be considerable movements of waste during the plan period.

3.15 A large proportion of the waste is moved by road. In addition to the impact that such movements may have on communities, problems of congestion, highway danger and excessive fossil fuel consumption may arise. Waste Strategy 2000 states that implementation of the proximity principle “avoids passing the environmental costs of waste management to communities which are not responsible for its generation and reduces the environmental costs of transporting waste” (Part 1, paragraph 4.5).

3.16 The Derby and Derbyshire highways and planning authorities have adopted local transport plans which aim to achieve more sustainable transport systems and to minimise the environmental impact of freight transport. The local transport plans promote the use of transport modes, such as rail and water, which do not burden the local road network and, for equivalent energy consumption, carry greater loads. The highway authorities, with national transport bodies and many businesses which generate large amounts of freight in Derbyshire, are members of the Derby and Derbyshire Freight Quality Partnership. The partnership has developed a Freight Strategy for Derby and Derbyshire, which seeks to reduce the environmental impact of freight movement and is likely to influence land use planning.

3.17 In many cases, prospective developers should provide “travel plans”, which, amongst other things, consider alternative modes and means of transport and can help in the shift to more sustainable transport systems. Planning permissions may incorporate the provisions of the plans.

3.18 Policy objective 5 seeks to reduce the need to travel. That objective, which relates to the movements of waste and of people and seeks to enable the transport of waste by rail and water, is reflected in policy W2.

Policy W2 Transport principles

3.19 **Waste development which**

would be likely to result in an overall significant increase in the number or distance of waste-related journeys for people, materials or waste

or would not provide or utilise a choice of transport modes for people, materials or waste

will not be permitted if there is a practicable, environmentally better alternative.

BOX W2

3.19.1 This box is a guide to applicants and decision-makers. It sets out the sorts of things which the decision-makers will consider when assessing whether developments are likely to accord with policy W2. Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues. Decision-makers would not expect proposals for waste management development to be able to respond positively to all the suggestions listed below.

Changes in transport patterns

3.19.2 That, comparing the existing waste-related transport patterns with those which may result from the development, there would be no increase in total waste-related travel distances.

Modal choice of transport

3.19.3 That the proposed development would be accessed by or serviced by modes, perhaps railways or waterways (or buses for staff), which would be more energy-efficient and would have less impact on people and communities than road haulage for waste-related materials or private cars for staff or visitors.

3.19.4 If the development would not provide such alternatives, that it would be impracticable to do so.

Green Belts

3.20 Policy objective 7 acknowledges government and structure plan intentions to maintain the open character of green belts. The structure plan and the city and district local plans set out policies and define the boundaries of the Derbyshire green belts. (Map B shows the general extent of green belt in the county.) Policies W3a, b & c complement the policies in those plans by clarifying the intentions of the planning authorities with regard to waste management.

3.21 PPG 2, "Green Belts" (1995), advises that built development is inappropriate in green belts except in certain, specified cases. Those cases include the construction of "essential facilities" for uses of land "which preserve the openness of the green belt and do not conflict with the purposes of including land in it". The other specified cases are unlikely to apply to waste management development. The PPG does not provide any examples of waste development which might constitute the "essential facilities" mentioned above, but a weighbridge at a landfill site may be a possibility.

3.22 All other development is also inappropriate except for the change of use of buildings, development on certain identified sites (not applicable to this local plan) and "mineral extraction, which need not be inappropriate development ... provided that high environmental standards are maintained and that the site is well restored" (PPG 2, paragraph 3.11). The PPG does not mention the appropriateness of landfill specifically but policy W3a of this plan recognises that landfill may be necessary for the restoration of mineral sites. The PPG advises that engineering operations or changes of use of land (which may involve landfill) are inappropriate unless they maintain "openness" and do not conflict with the green belt "purposes" (see box W3).

3.23 Policy W3 does not permit developments which fall into the category of “inappropriate” or “inappropriate unless”. The PPG says that inappropriate development is by definition harmful to the green belt. It is for the applicant in such cases to justify the development. The PPG does not give guidance on the policy treatment of “inappropriate unless” development. The implication of the category is that such developments are more likely than not to harm the green belt. In this local plan, they are covered by policy W3c.

Policy W3a Landfill in green belts and its proposed after-use

3.24 Landfill in green belts will not be permitted unless:

it is essential for the restoration of mineral workings to after-uses appropriate to green belts or there would be no material impact on the openness of the green belt during the life of the operations; and

the development, including proposals for the after-use of the site, would not conflict with the purposes of including land in the green belt.

Policy W3b Change of use of buildings in green belt

The change of use of buildings for waste development in green belts will be permitted provided that the development:

would not have a materially greater impact than the present use on the openness of the green belt; and

would not result in conflict with the purposes of including land in the green belt.

Policy W3c Other development in green belts

Other forms of waste development in green belts will not be permitted unless:

the development would take place on a site identified in the development plan as a “major developed site” and would be in accordance with the provisions of the development plan for the development of that site; or

the development would provide small-scale, essential facilities for the maintenance or improvement of waste management facilities, would preserve the openness of the green belt and would not conflict with the purposes of including land within it.

BOX W3

3.24.1 This box is a guide to applicants and decision-makers. It sets out the sorts of things which the decision-makers will consider when assessing whether developments are likely to accord with policy W3. Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues.

Assessing waste development in the context of the “openness”

criterion

3.24.2 If there would be some intrusion by the development into the landscape, that it would not have a material impact on the open character of the green belt (for example, the geomorphology as a result of restoration may undulate but not so as to affect the openness of the green belt).

Assessing waste development in the context of the “purposes of including land in green belts”

3.24.3 That the development would not conflict with any of the five “purposes of including land in green belts” which are listed in PPG 2: (1) to check the unrestricted sprawl of large built-up areas; (2) to prevent neighbouring towns from merging into one another; (3) to assist in safeguarding the countryside from encroachment; (4) to preserve the setting and special character of historic towns; (5) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The need for landfill to restore a minerals site

3.24.4 That there is an extant permission for minerals extraction which is conditional on restoration by landfill.

3.24.5 That a current application for minerals extraction within the site complies with the restoration policies of the minerals local plan.

3.24.6 That a district local plan seeks an after-use of the site which can be achieved only by landfill

3.24.7 That the after-use would help to fulfil the six PPG 2 “objectives” for the use of land in green belts without conflicting with policies of the development plan (in summary, the objectives are: providing opportunities for access to the countryside; providing for outdoor sport and recreation; retaining or enhancing landscapes; improving damaged and derelict land; securing nature conservation; retaining land in rural uses).

Chapter 4 POLICIES PROTECTING THE ENVIRONMENT AND OTHER INTERESTS

Introduction

4.1 The policies in this chapter seek to protect the environment and the community as a whole from the harmful effects of waste management development. Policy W5 protects specified environmental interests and policies W6-W8 deal with the general environmental concerns which proposals for waste development may raise. Policy W9 protects related interests which are more of economic or social, rather than environmental, value to the community. Policy W10 protects communities from the harmful, cumulative ^[A3.10] impacts of development which can sometimes occur.

4.2 Applicants for planning permission for waste development must normally submit an environmental statement under the Town and Country Planning (Environmental Impact Assessment) Regulations, 1999, or other information on the environmental implications of the proposed development (see paragraph 1.13 of this plan). PPG 1 (General Policy and Principles, February 1997), paragraph 50, quoting from a legal judgment, says, "Whether a particular consideration ... is material in any given case will depend on the circumstances." In assessments of applications in the context of this chapter of the waste local plan, whether or not any particular environmental effect will be significant or material will depend on the circumstances of the proposal, the site and its environs.

The precautionary principle

4.3 PPG 10 advises waste planning authorities to consider carefully the environmental implications of all waste management proposals (paragraph 29b). The government also advises, as explained below, that, in considering the environmental implications, authorities should apply the "precautionary" and "proportionality" principles.

The precautionary principle

4.4 The precautionary principle has been applied to the prevention of pollution for many years. In 1985, the Royal Commission on Environmental Pollution, in its tenth report, said, "Evidence that is not conclusive when judged by the conventions adopted by scientific research may yet be reasonable cause for concern to those who have to act on it outside the laboratory." The precautionary principle was acknowledged in "This Common Inheritance" (1990), defined in the Rio Declaration (1992), re-stated in PPG 23 (Planning and Pollution Control, 1994) and incorporated in Part 2 of Waste Strategy 2000 as follows: "Any integrated waste management system must make allowance for the precautionary principle, which states that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

4.5 There is no advice in Waste Strategy 2000, nor in PPG 10, about how the principle should be applied to land-use planning. Nevertheless, the waste planning authority is often an early port of call for a new waste management project. The authority will be asked to grant permission before the Environment Agency is asked to grant a waste management licence. The waste planning authorities will have a duty to consider to what extent the development would contribute to integrated waste management systems and to consider its potential for polluting the environment and its impact on the use and enjoyment of land. Policy W4 of this local plan acknowledges that the principle should be a consideration in the assessment of damage to those interests.

Proportionality

4.6 However, the government also says that the action taken in response to risk must be proportionate to that risk. “There are no hard and fast rules on when to take action: each case has to be considered carefully. We may decide that a particular risk is so serious that it is not worth living with. In other cases society will be prepared to live with a risk because of other benefits it brings” (the national sustainability strategy, “A Better Quality Of Life”, (1999), paragraph 4.2).

Policy W4 Precautionary principle

4.7 **Where there is reasonable cause for concern that a proposed waste development presents a threat of serious or irreversible damage to the environment or to the use or enjoyment of land, the development will be not be permitted unless:**

conditions can be imposed or legal agreements made to ensure that precautionary measures are taken to minimise and seek to prevent such damage; and

the risk of such damage is outweighed by the potential benefits of the development.

BOX W4

4.7.1 This box is a guide to applicants and decision-makers ^[A3.11]. It sets out the sorts of things which the decision-makers will consider when assessing whether developments are likely to accord with policy W4. When applicants are preparing supporting information for their applications, they will normally wish to address these issues (and other issues) to the extent that they or the waste planning authority consider the issues relevant to the policy. The decision-makers will normally take advice from the Environment Agency or other statutory bodies on the scale of the risk and the proposed precautions. They will also assess whether the risk element is a land-use issue or more properly a consideration for the Environment Agency or other regulatory bodies; for example, if the risk can be reduced by the relocation of parts of the proposed development away from sensitive areas or by other locational, spatial or land-use initiatives, the decision-makers will have to address those considerations.

Applying the phrases, “reasonable cause for concern” and “serious and irreversible damage”

4.7.2 Is there sufficient evidence to give the decision-maker reasonable cause for concern that serious and irreversible damage might occur?

4.7.3 Are there examples of similar developments; did those examples result in serious and irreversible damage; was the damage reversible at a realistic cost?

The nature of the potential threat to the environment

4.7.4 Is the nature of the threat a land-use issue? Could it be dealt with by refusing planning permission or should it await consideration by the Environment Agency or other regulatory body?

New initiatives

4.7.5 Might the potential benefits arising from it justify accepting the risk, especially in the case of a proposal to use new or untried technology which is offering or will give benefits which might not be attainable in another way?

4.7.6 Is there evidence from temporary or small-scale trial projects of the safety of the technology?

The proposed materials and processes

4.7.7 Is the information provided by the applicant, about the materials to be processed and the nature of the processes, sufficiently clear and thorough to enable assessment of the risks? (If it is not, the decision-maker is likely to ask the applicant for better or more information.)

Benefits

4.7.8 Would the development bring benefits to those elements of the environment which would be at risk from the potential damage?

4.7.9 If not, would the development bring other benefits to the community or the environment as a whole, sufficient to make the risk of damage acceptable?

The appropriate course of action

4.7.10 Can adequate precautions be taken, to prevent or minimise any harm, by the imposition of conditions or by legal agreement or should permission be refused?

Impact of waste development on identified interests of environmental importance

4.8 Policy objective 8 recognises the need to protect important environmental interests. Policy W5 protects those environmental interests which are individually identified, for example on a statutory register or in an adopted local plan. There is a wide range of such interests, including those described in box W5, below, and the Peak District National Park (“the Peak Park”). The chief purpose of the Peak District National Park Authority’s planning functions (including the adoption of the peak park’s own structure plan and local plan) is to conserve and enhance the natural beauty, wildlife and cultural heritage of the peak park (Environment Act, 1995). That function could be hindered and the Peak Park’s valued characteristics damaged by development taking place in Derbyshire outside the Peak Park.

4.9 Other environmental interests are sometimes identified, for example in local plans, and sometimes not. They include areas of residential amenity, recreational paths and facilities, the amenity value of the countryside, hedgerows and woodland. Often, the interests overlap. For example, Derbyshire’s geological and geomorphological variety contributes to a diversity of landscapes and habitats as well as providing visual interest and having a historical influence on a fascinating network of transport routes and settlements.

4.10 In accordance with government advice and as set out in box W5, there is, in Derbyshire, a concern to protect environmental interests according to their relative importance nationally and locally. Their relative importance is often identified in national or local lists or guidance. Policy W5 provides proportionate protection for those sites which are identified. The plan’s subsequent policies give general protection against harm to people and the whole environment, as do the district and city local plans, which have detailed policies which usually provide appropriate protection for identified and unidentified interests and which complement the provisions of this plan.

Policy W5 Identified interests of environmental importance

4.11 **Proposals for waste development which might affect identified interests of environmental importance will be assessed in the light of:**

the level of protection merited by the character and status of the interests; and

the likely impact of the development on the interests.

Waste development will be permitted only if, in the context of the assessment, the development would not materially harm the identified interests.

BOX W5

4.11.1 This box is a guide to applicants and decision-makers. It sets out the sorts of interests which the decision-makers will seek to protect when assessing whether developments are likely to accord with policy W5. When applicants are preparing supporting information for their applications, they will normally wish to address these issues (and other issues) to the extent that they or the waste planning authority consider the issues relevant to the policy. Whether “harm” is “material” (see the policy) will depend on the particular circumstances, taking into account any survey information and the views of statutory consultees.

Landscape

4.11.2 The structure plan (Environment Policies 2 & 3) establishes the principle of special landscape areas (SLAs) to protect the finest landscapes in Derbyshire outside the Peak District National Park. The relevant district local plans have defined the SLA boundaries. The structure plan also establishes that landscape character and diversity should be protected (Environment Policy 1), a concept to which district local plans will give more detailed expression.

4.11.3 The County Council, in consultation with district councils, is carrying out a landscape character assessment of the county, which will provide further guidance for decision makers and may be used in the reviews of district local plans. It is likely that the local plans will identify areas or features of landscape value which, whilst they would not merit the high level of protection afforded to special landscape areas, contribute to landscape character. Other areas of landscape value which are not specifically identified will be protected under other policies of those local plans and policy W8 of this plan.

Peak District National Park

4.11.4 As explained above (paragraph 4.8), the Peak District National Park merits the highest level of protection. If development was proposed within the plan area which could harm the valued characteristics of the Peak District National Park, it would be assessed under this policy.

Nature conservation

4.11.5 PPG 9 (Nature Conservation, October 1994) recommends that full account should be taken of nature conservation interests. The PPG and the structure plan (Environment Policies 14 – 16) emphasise the importance of giving the highest level of protection to internationally and nationally important sites, including Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and the habitats of protected species.

4.11.6 They also seek appropriate protection for local nature reserves and non-statutory sites of importance for nature conservation, comprising wildlife sites and regionally important geological sites. Local biodiversity action plans identify nationally and locally important habitats and species which also merit protection and assist in providing an integrated approach to nature conservation.

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Heritage features

4.11.7 Derbyshire has a rich heritage of features of architectural, historic or archaeological interest which merits protection. In line with the advice in PPG15, the structure plan (Environment policies 9-13) sets out the importance of protecting the hierarchy of heritage features. The disposal of waste might in particular affect historic mines and quarries, canal cuts and railway cuttings.

4.11.8 PPG 16 (Archaeology and Planning, November 1990) reminds authorities that not all nationally important archaeological remains are scheduled and the importance of some remains may not yet be recognised. It emphasises the high level of importance of protecting internationally and nationally important heritage features and their settings, including world heritage sites, scheduled ancient monuments, listed buildings and nationally important historic gardens.

4.11.9 PPG 15 and PPG 16 also seek protection of conservation areas and archaeological sites and features as identified in the County Sites and Monuments Record.

Water

4.11.10 The Environment Agency, along with some private utility providers, is responsible for protecting the quantity and quality of water resources and flood defence (see policy W9). The waste planning authorities also have a role. Structure plan Environment Policy 6 establishes that development which would affect adversely the quality of water resources should not be permitted.

Air quality

4.11.11 The Environment Agency and the city and district councils are responsible for protecting people and their surroundings from the effects of air pollution. They ensure that toxic gases, particles, noise, dust and detritus do not reach harmful levels - in fact, they seek often to reduce the levels - in the atmosphere, air, water or ground and that greenhouse gases are not emitted at rates which contribute to climate change. The planning authorities also have a role in ensuring that permission is not granted for developments without due regard to the requirements set out above. Local authorities have designated "air quality management areas", where steps must be taken and development may be controlled to ensure that air quality meets national targets.

Impact of waste development upon the environment as a whole and on people's health

4.12 Whereas policy W5 seeks to protect identified environmental interests from the harmful effects of waste development, the following policies, W6-W8, deal with the varied, potential impacts of waste development upon the environment as a whole.

Pollution and related nuisances

4.13 Sometimes development may pollute surrounding land uses. For example, in settlements, a waste transfer plant might harm the amenities or health of nearby residents by causing noise, odour or light pollution. In remote areas, litter may be blown or effluents may leak from a landfill site, causing damage to wildlife and livestock.

4.14 Methane, carbon dioxide and other gaseous emissions from rotting waste can contribute to global warming. Without adequate control, vermin can thrive on biodegradable and mixed waste sites, which may also attract large numbers of birds and consequent hazards to aircraft. Waste facilities can also contaminate the sites on which they stand.

4.15 The Environment Agency and the city and district councils have statutory duties and powers to control most types of pollution, including noise, dust and odours and the effects of such pollutants as slurry and other effluents on land, water and air. PPG 23 (Planning and Pollution Control, 1994) advises planning authorities to consult the pollution control authorities and to work on the assumption that those authorities will apply and enforce the necessary pollution controls (paragraph 1.34). It states that the planning system's role includes considering the location of development which may give rise to pollution (paragraph 1.33). Accordingly, the local plan seeks to complement the work of the pollution control bodies.

Policy W6 Pollution and related nuisances

4.16 **Waste development will be permitted only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects to:**

people or communities;

the site of the development;

nearby land uses; or

the wider environment.

BOX W6

4.16.1 This box is a guide to applicants and decision-makers. It sets out the sorts of things which the decision-makers will consider when assessing whether developments are likely to accord with Policy W6. (Decision-makers will have to decide whether the concerns are land-use concerns, for consideration under the policy, or whether they should instead be considered by the Environment Agency or other regulatory body.) Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues. Decision-makers would not expect proposals for waste management development to be able to respond positively to all the suggestions listed below.

The production of dust, particles and other harmful emissions

4.16.2 That the development would not produce dust or other emissions which would be harmful to the health of people, livestock or wildlife, would pollute areas of water or watercourses, would have a harmful visual impact or would reduce the quality of life of local communities.

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BOX W6 CONTINUED FROM PREVIOUS PAGE

The emission of unpleasant odours

4.16.3 That the development would not emit odours having an adverse impact on the health or environment of local people or communities.

Vermin, birds and insects

4.16.4 That the development would not attract vermin or birds or breed insects to the extent that it would reduce the quality of life of local communities or would adversely affect wildlife or habitats.

4.16.5 That measures would be put in place and maintained throughout the operation to minimise those effects.

The emission of noise and vibration

4.16.6 That the development would not emit noise or vibration with an adverse impact on the quality of life or the health of local communities and that the proposed hours of operation or other mitigation measures would minimise any impact.

The production of litter

4.16.7 That any litter would be contained within the site and adequate precautions would be taken to ensure that litter would not threaten the safety of livestock or wildlife, would not pollute areas of water or watercourses, would not have a harmful visual impact and would not reduce the quality of life of local communities.

The emission of noxious or greenhouse ^[A.3.17] gases

4.16.8 That the development would not emit gases in quantities which would harm the health of people, livestock or wildlife, pollute areas of water or watercourses, have a harmful visual impact, contribute to global warming or materially reduce the quality of life of local communities.

The dispersal of mud or contaminants onto the highways

4.16.9 That adequate precautions would be taken to ensure that the development would not disperse mud or contaminants, with resultant danger to vehicular or pedestrian traffic.

The leaking, leaching or other spreading of effluents or contaminants

4.16.10 That effluents, contaminants and other products of the development would be effectively contained and controlled within the site and its systems.

4.16.11 That they would not endanger the health of people, livestock or wildlife, would not pollute aquifers, groundwater, surface water courses or other areas of water and would not reduce the quality of life of local communities.

Light pollution

4.16.12 That the light created by or illuminating the development and the site would not reduce the quality of life or health of local communities or adversely affect wildlife or habitats.

Disrupting, blocking or polluting local drainage systems

4.16.13 That, where there is a risk to local drainage systems, the developer will provide an effective alternative drainage system.

4.16.14 That the proposal includes adequate provision to ensure that there will not be contaminated run-off.

BOX CONT. ON NEXT PAGE

The visual effect of those factors

4.16.15 That the appearance of the area would not be harmed by pollutants and other nuisances, such as litter or mud.

The considerations set out in chapter 7 will also apply where they are relevant.

Landscape and other visual impacts

4.17 The harm that waste development might do to other land and the environment can extend beyond those impacts which pollution may produce: for example, it can extend to “unsightly development and loss of amenity in the wider sense” (PPG 23, paragraph 1.35).

4.18 PPG 1 states that planning authorities should give particular weight to the impact of development “on existing buildings and on the character of areas recognised for their landscape or townscape value” (paragraph 18); policy W5, above, specifically protects such areas. Policy W7, below, implements the more general statement in the same PPG, paragraph 13, that the appearance of proposed development and its relationship to its surroundings are “material considerations in determining planning applications and appeals”.

4.19 PPGs 1 (paragraphs 18 & 32), 3 (paragraph 56) and 7 advise that development should respect the local distinctiveness of the area. Structure plan Environment policies 1 and 17 seek to protect such local distinctiveness. Environment Policy 1 and district-wide local plans expect that new development will take appropriate opportunities to conserve, enhance and restore the landscape. In certain circumstances in, for example, conservation areas, decision-makers can require developments to enhance the townscape or landscape. Policy W5 of this local plan addresses environmental issues in such designated areas. In undesignated areas, opportunities might be taken to reflect the structure plan policy: for example, where a waste development is proposed on a degraded site, decision-makers can seek enhancement to help to counter any adverse visual impacts resulting from the development.

Policy W7 Landscape and other visual impacts

4.20 **Waste development will be permitted only if:**

the appearance of the development would not materially harm the local landscape or townscape and would respect the character and local distinctiveness of the area; and

the development would be located and designed to be no larger than necessary and to minimise its visual impact on or to improve the appearance of the townscape or landscape.

BOX W7

4.20.1 This box is a guide to applicants and decision-makers. It sets out the sorts of things which the decision-makers will consider when assessing whether developments are likely to accord with Policy W7. Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues. Decision-makers would not expect proposals for waste management development to be able to respond positively to all the suggestions listed below. Whether “harm” is “material” (see the policy) will depend on the particular circumstances, taking into account any survey information and the views of statutory consultees.

Layout

4.20.2 That the layout of the built and other elements of the development would be appropriate in the context of nearby development.

Design

4.20.3 That the design, including scale, massing, materials and detail, takes account of its surroundings.

Landscaping

4.20.4 That the proposed landform, planting, peripheral fencing and other features take account of their surroundings, including the local landscape character.

4.20.5 That the proposal would not intrude prominently into the countryside.

4.20.6 That the impact of any intrusion into the landscape would be ameliorated by appropriate landscaping.

Scale and proportion

4.20.7 That the visual impact of the development would be appropriate to the scale of the waste operation.

4.20.8 That the size of the development would respect the size of the settlement in which it would be sited.

4.20.9 That, where the development appears to be larger than necessary, its scale could not be reduced without demonstrably reducing the efficiency of the operation.

Visual impact

4.20.10 That the layout and design of the development take opportunities to conserve, enhance or restore the character of the area sufficiently to outweigh any harm caused by adverse impacts (for instance, taking an opportunity to provide a landscaping scheme to improve the wider landscape around the development).

4.20.11 That the application proposals take opportunities to mitigate any adverse visual impacts of the development.

The considerations set out in chapter 7 will also apply where they are relevant.

The impact of the transport of waste

4.21 The transport of waste, both at a site access and along its route, may cause disturbance resulting from noise, dust, vibration or spillage. It may also cause congestion and prejudice road safety. Policy W8 reflects the desire of the two

councils to minimise such impacts, in line with structure plan Transport Policy 12 (“Environmental Impact”).

Policy W8 Impact of the transport of waste

4.22 **Waste development will be permitted only if:**

the methods and routes of waste transport will not cause significant disturbance to the environment, people or communities;

the transport network is adequate to accommodate the traffic which would be generated; and

the proposed access arrangements and the impact of the traffic generated will not be detrimental to road safety.

BOX W8

4.22.1 This box is a guide to applicants and decision-makers. It sets out the sorts of things which the decision-makers will consider when assessing whether developments are likely to accord with policy W8. Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues. Decision-makers would not expect proposals for waste management development to be able to respond positively to all the suggestions listed below.

Transport methods and routes

4.22.2 That the application makes clear and realistic provision for modes and routes which would be the safest practicably available, would minimise the potential for congestion and would cause the least possible disturbance to the local environment (including the environmental factors described in box W6, particularly the dispersal of mud or contaminants onto the highways, the emission of noxious or greenhouse gases, the generation of noise or vibration and the production by the vehicle of dust, particles and other harmful emissions).

Means of access

4.22.3 That the proposed means of access would meet the standards of the highway authority for the traffic likely to use the site.

The considerations set out in chapter 7 will also apply where they are relevant.

The protection of other interests

4.24 When considering planning applications, local planning authorities have to take account of a variety of interests which are not fundamentally environmental but which, nevertheless, are relevant to land-use planning. Those interests are often identified by information provided to the local planning authority by a responsible body, in accordance with a statutory instrument or government direction.

4.25 The local planning authority should not refuse permission simply because a site is within an identified area or affects an identified interest. Often, the effect on

the interest is not material. Sometimes, the effect can be reduced to a satisfactory level by appropriate amendments to the application or by the imposition of conditions.

4.26 The district-wide and city local plans may identify other interests which may be special to the area or to the concerns of local communities, such as the supplies for the spring water bottling industry at Buxton. However, there will be times when waste management development applications raise other concerns, affecting interests which are not already identified but merit protection through the land-use planning system. PPG 12 (Development Plans, December 1999) says, “local authorities should take account of the need to revitalise and broaden the local economy” (paragraph 4.9) and “should consider the relationship of planning policies and proposals to social needs and problems” (paragraph 4.13).

4.27 Policy W9 below should ensure that the assessment of waste planning applications takes account of such concerns. The policy does not address the private interests of individuals, such as the effect of a development on the selling price of nearby property. It does address the interests of the community, such as the effect of a development on the local economy, as explained under “other concerns” in box W9.

Policy W9 Protection of other interests

4.28 **Waste development will be permitted only if the development would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community.**

BOX W9

4.28.1 This box is a guide to applicants and decision-makers. It sets out the sorts of interests which the decision-makers will seek to protect when assessing whether developments are likely to accord with policy W9. When applicants are preparing supporting information for their applications, they will normally wish to address these issues (and other issues) to the extent that they or the waste planning authority consider the issues relevant to the policy.

Agricultural land

4.28.2 Objective 8 acknowledges government policy, as set out in PPG 7 (February 1997, amended March 2001), that the best and most versatile agricultural land (grades 1, 2 and 3a) is a national resource for the longer term and should be protected from irreversible development unless sustainability considerations suggest otherwise. The need to protect such land is established in the structure plan (General Development Strategy Policy 5).

BOX CONT. ON NEXT PAGE

Farm units

4.28.3 Reflecting advice in PPG 7, Annex B, the structure plan expresses a concern to protect the viability of farms. General Development Strategy Policy 6 requires that regard should be had to the impact of development on the size and structure of farm units. Applicants for waste development should be aware of the ownership and tenancies of farm holdings and, where a development would sever or affect the integrity of a farm, should provide information justifying that element of the proposal. Waste management, such as composting, may be an appropriate form of diversification, in line with PPG 7, paragraph 3.4A&B, as amended.

Aviation

4.28.4 There is a concern, identified in PPGs 10,13 & 15 and Circular 1/03, that development proposals within certain distances of aerodromes can cause hazards to aircraft. Hazards relevant to this local plan include tall incinerator chimneys and the potential, near landfill sites, for birdstrike – the many birds attracted to landfill feeding grounds may cause damage to aircraft which are taking off or landing. The Civil Aviation Authority (CAA) provides planning authorities with official safeguarding maps showing the areas of concern around aerodromes. In those areas and in other cases where the CAA expresses concern, the assessment of waste applications will include consideration of aviation safety. Circular 1/03 requires that waste planning authorities consult the CAA on all applications for landfill developments that fall within thirteen kilometres of major civil aerodromes and the Ministry of Defence for similar development within 8 miles of military aerodromes.

Minerals

4.28.5 Because minerals resources are limited to the places and quantities in which they are found, it is sometimes necessary to refuse permission for development in such places which would prevent access to or extraction of the minerals. Alternatively, it may be necessary to require prior extraction of the mineral, which would accord with Derby and Derbyshire Joint Structure Plan Minerals Policy 4. In Derbyshire, the minerals planning authority has identified the important, known resources, as a guide to the district councils' local planning authorities, as "minerals consultation areas". Landfill sites in particular are often within minerals consultation areas.

Health and safety

4.28.6 The Environment Agency informs the local planning authority of safeguarding zones around potentially dangerous places such as chemicals factories. It is sometimes necessary to refuse permission for development in those zones if, for example, the development would attract large numbers of people into the locality, putting them at risk. Such developments could include waste management sites, particularly household waste recycling centres (as defined in chapter 7).

Potential transport routes

4.28.7 Proposals in the local transport plans of the county and city councils include the construction of new roads and the restoration of a railway line. They include supporting local initiatives for improved cycle and footpath networks and the restoration of waterways. Adopted local plans may contain other, similar or related, proposals. Applicants for waste development affecting the routes of such projects should prepare schemes which seek to assist, rather than ignore or hinder them.

BOX CONT. ON NEXT PAGE

Flood plains

4.28.8 The Environment Agency publishes “flood plain maps” showing areas which could be affected by flooding. The waste planning authorities will use them as a basis for consulting the agency on planning applications. PPG 25 (Development and Flood Risk, July 2001) advises that planning authorities and developers should also make their own assessments of risk. The PPG advises that permission should not be granted for development which would be at high potential risk of flooding and that local planning authorities should encourage the use of sustainable drainage systems. The waste planning authorities, following guidance in the PPG, will apply the precautionary principle when assessing applications. They will consider the susceptibility of the site to flooding. They will consider whether the development would make other land more susceptible to flooding. The authorities may require applicants to commission flood-risk/run-off assessments.

Other concerns

4.28.9 The effect of a development on economic or social, not necessarily environmental, interests can be a reason for granting or refusing permission. The rural economy is an example. PPG 7 (The Countryside, February 1997) says that the planning system helps to integrate the development necessary to sustain economic and social activity with protection of the countryside (paragraph 2.2); it says that planners should consider the need to “encourage rural enterprise” (paragraph 2.8). If a proposed waste development would have land-use impacts adversely affecting such an interest, it may have to be refused even though the specific interest (say, a rural business providing employment) has not been previously identified as needing protection.

The community

4.28.10 The term, “the community”, in policy W9 refers to local and more remote communities and society as a whole; the term is used to distinguish them from private individuals, whose personal financial interests would not normally be a concern of land-use planning.

Cumulative impact

4.29 There may be times when the cumulative^[A3.10] impact of several developments, operating concurrently or successively, would be unacceptable. For example, owing to mining and subsequent landfill over a long period, a local community^[A3.9] may be experiencing considerable disturbance. In such circumstances, a proposal to extend the site or to develop another waste disposal site or waste management facility, even one that would benefit the wider waste management system, might result in significant, cumulative harm to the community’s amenities, as judged against the plan’s policies, and so the application might have to be refused.

4.30 Policy W10 reflects the structure plan’s statement in its Waste Management Policy 3, that the cumulative impact of waste developments may be unacceptable.

Policy W10 Cumulative impact

- 4.31 **Proposals for waste development will be assessed in the light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively.**

Waste development will be permitted only if the development would not result in significant and detrimental cumulative impact on the environment of those communities.

BOX W10

4.31.1 This box is a guide to applicants and decision-makers. It sets out the sorts of things which the decision-makers will consider when assessing whether a development is likely to have a significant and detrimental cumulative impact and therefore likely to conflict with policy W10. When applicants are preparing supporting information for their applications, they will normally wish to address these issues (and other issues) to the extent that they or the waste planning authority consider the issues relevant to the policy.

Concentration of development

4.31.2 Whether the area is already suffering from the effects of a concentration of activity such as existing mineral working and/or waste disposal.

4.31.3 Whether it would be reasonable to expect communities to accept the additional, predicted traffic, noise or other emanations from the proposed development in combination with the impacts from the existing activities.

Period of exposure

4.31.4 Whether the local community has experienced environmental disturbance for a long time.

4.31.5 Whether it would be reasonable to continue to expose the community to future disturbance.

Effect on regeneration

4.31.6 Whether the adverse effects of such cumulative disturbance would inhibit efforts to regenerate the local economy, especially in the structure plan priority areas (the coalfields and the deprived areas of Derby).

Overall effect on environment

4.31.7 Whether this development, collectively with existing land uses and any permissions which may have been granted for other development, would create adverse damage to the environment – even though the damage caused by each individual development would not be so significant as to warrant refusal of permission.

Chapter 5 LANDFILL SPACE IN THE PLAN AREA AND THE SUB-AREAS

Introduction

5.1 Chapters 3 and 4 of this plan provide criteria for assessing planning applications for all types of waste development. The emphasis is on permitting sustainable waste development subject to the protection of environmental and other important interests.

5.2 With regard to applications for landfill development, chapter 6 introduces restrictions reflecting the position of landfill at the bottom of the waste hierarchy. However, for the foreseeable future, there will be a need to deposit waste at landfill sites. The purpose of the current chapter is to discuss the need as it relates to Derby and Derbyshire and the waste management sub-areas which were established in the Derbyshire Waste Management Strategy (February 1999) and are shown on Map C.

The need to provide landfill space

5.3 Waste Strategy 2000 has ambitious aims for reduction, re-use and recovery but it acknowledges that landfill will still be necessary for large amounts of waste. Such wastes will include: hazardous wastes ^[A1.6] which require specialised landfill treatment; unusable or unsortable wastes left over from recovery processes; mixed wastes for which there is no recovery facility in proximity, despite the best efforts of waste managers and the policies of this plan; and wastes which could be treated higher up the hierarchy but for various reasons find their way to landfill. There may be a need for new sites to satisfy the “separate disposal” requirements of the EC Directive on the landfill of waste (1999/31/EC; see appendix C) and of regulations made under the Environmental Protection Act, 1990.

5.4 Policy W11 (see chapter 6 of this plan) says that new landfill developments are unacceptable unless they satisfy an unfulfilled need to dispose of locally generated waste. Box W11 and the methodology described in appendix B show how evidence of such a need can be established. The methodology incorporates certain assumptions, including the key assumption, established in the waste planning strategy (in chapter 2 of this plan), that waste management achievements in Derby and Derbyshire will not exceed the government’s targets (the targets are set out in appendix C). As well as describing the methodology, appendix B works it through, applying current data to its methodology, and finds that, during the plan period, Derby and Derbyshire is likely to dispose to land a larger volume of waste than the existing licensed void space in the plan area can accept.

5.5 It is important to note that such shortfalls in void space within the plan area do not necessarily imply an urgent need for new planning permissions for landfill in Derbyshire during the plan period. The appendix B methodology involves several stages of assessment and incorporates factors such as the proximity of landfill sites which are outside but close to the plan area.

5.6 One consideration could be the transfer of more waste across the county boundary (Derbyshire has accepted waste from other counties for many years and sites in other counties accept waste from Derbyshire). As explained in chapter 2, paragraphs 2.21 to 2.31, the principles of self-sufficiency and proximity do not amount to a requirement that waste generated within a county or sub-area should be managed within that area.

5.7 The appendix B methodology considers the separate fates of inert and non-hazardous wastes. Most open-gate sites in the county are licensed ^[A2.5] as “non-hazardous” sites, which can accept all controlled wastes except those classified as “hazardous”.

5.8 Appendix B relates the county’s annual controlled waste production to the European Union and government targets; it apportions the waste to recycling, composting and “recovery” in accordance with the targets. It assumes that the remainder of the waste will be landfilled, up to the limits imposed by the targets. Concentrating on the landfill sites, it compares their capacity with the potential waste deposits for the plan period.

5.9 The methodology includes assessing licensed sites in the county and sites which have planning permission but are not yet licensed. It includes other landfill potential within the plan area, such as the particular need to restore minerals extraction sites in the Trent Valley, and sites outside the county which might accept Derby’s and Derbyshire’s waste without infringing the proximity principle. Any consideration of need in relation to a planning application would carry out such an assessment, applying the available data in the context of the particular circumstances pertaining at the time. The rest of this chapter describes the current context.

Hazardous waste arisings

5.10 The assessment of hazardous waste arisings and deposits in particular is very difficult and the Environment Agency advises that they should be treated with caution (East Midlands SWMA paragraph 2.3.1) but the figures suggest that the county’s open-gate landfill sites accepted about 26,000 tonnes of hazardous waste in 2000/2001. Not all of that waste originated in Derbyshire. Also some Derbyshire waste went to landfill elsewhere. Owing to the effects of the new licensing system (see appendix B, paragraph B1.7), there are unlikely to be any open-gate sites in the county accepting hazardous waste during the plan period unless new permissions and licences are granted. Although the amount of hazardous waste produced is likely to increase (see the waste planning strategy, paragraph 2.54), the quantity deposited at landfill could fall because of the requirement that all such waste should be treated – including by processes that make it suitable for recycling or other forms of recovery. The appendix B methodology is not directly applicable to the landfill needs of hazardous waste because of the varying management needs of the wide variety of hazardous wastes. Furthermore, as paragraph 2.54 explains, hazardous waste is unlikely to have a great, quantitative influence on the overall need for landfill space.

General conclusions about waste arisings

5.11 Applying the methodology to currently available data, appendix B finds that, unless new sites or extensions to existing sites are permitted, the plan area's void space would reach capacity near the end of the plan period. It finds also that there is likely to be an imbalance between amount of potential fill and amount of void space for non-hazardous waste in the south-east sub-area, although not necessarily in the areas adjoining the sub-area, throughout the plan period. Paragraphs 5.14-5.20 consider further that situation. Any shortfalls in void space do not have to be made up solely by providing new landfill sites. A more sustainable alternative, for all wastes, would be the provision of more recycling and composting facilities; energy from waste might also play a part. Recovery instead of landfill would be more in line with government policy and with policy W1a and the other policies of this plan.

The sub-areas

5.12 The Derbyshire Waste Management Strategy (February 1999) divided the county into three sub-areas which conveniently recognised differing characteristics of different parts of Derbyshire in terms of geography, geology and waste profiles. The sub-areas reflect the main concentrations of population and the importance of the proximity principle.

5.13 However, the boundaries of the sub-areas are not socio-geographical; they are municipal – the sub-areas are combinations of waste collection authorities. The areas of the waste collection authorities are not homogeneous. There are differences within each municipality: for example, the area of Derbyshire Dales south of Ashbourne is geographically different from the northern parts of the district and has much stronger links with Derby and parts of Staffordshire. So the sub-area divisions do not diminish the importance of links with adjoining areas or imply any requirement of self-sufficiency, other than municipal waste collection. The sub-area paragraphs below summarise the similarities and differences between and within the sub-areas and discuss the provision of waste management facilities, with particular reference to landfill.

South-East Derbyshire Sub-Area

5.14 The south-east sub-area is composed of Derby City unitary authority, Amber Valley and Erewash Boroughs and South Derbyshire District. It is the largest sub-area in terms of population, is the largest producer of waste and has the greatest projected shortfall of landfill space.

5.15 At present, municipal waste collected in Amber Valley goes to landfill at various sites, depending on the contractor's operational and market circumstances. Most of the waste goes to Sutton-in-Ashfield, Nottinghamshire. Indirectly, so does part of the remaining waste because that is taken initially to the Derby Transfer Loading Station at Raynesway, whence it may be sent to Sutton-in-Ashfield or elsewhere, depending on the commercial situation. The municipal waste from Erewash also is bulked-up at Raynesway, except that Erewash carries out a separate green waste collection, which is composted at Cotes Park, near Alfreton in

Amber Valley. Some of South Derbyshire District Council's waste is composted at Lount in Leicestershire and Etwall in South Derbyshire; most is landfilled at Bretby, within the district, but Bretby will close in September 2003 and the waste will go to the New Albion site at Moira, in Leicestershire but adjacent to South Derbyshire.

5.16 The Raynesway waste transfer station bulks up all the municipal waste collected in Derby City. From there the waste travels to a variety of landfill sites (see paragraph 5.15 above). The pattern of disposal may change considerably after March 2005, when the city and county waste disposal authorities enter into new disposal contracts.

5.17 Derby is the hub of the sub-area. Waste traffic passing from the northern part (extending from Crich to Alfreton, Ripley and Ironville) to treatment or disposal facilities in the Swadlincote vicinity or vice-versa, would have to travel through or around Derby. Such a journey might not accord with the proximity principle or the intentions of policy W2 if there were suitable facilities closer but in a different sub-area or county.

5.18 Appendix B shows that the sub-area and its environs offer landfill opportunities even though the sub-area is not self-sufficient in licensed landfill space. The appendix considers the demand for inert waste in the reclamation of existing and future sand and gravel sites. There are environmental considerations favouring land-based rather than water-based restoration; and particularly, there is a need for inert fill in the south-east sub-area, which is in the vicinity of East Midlands Airport, because there are strong arguments on aircraft safety grounds. Water attracts birds on a scale that can be dangerous to aircraft using nearby airports. The only materials that the Environment Agency considers to be suitable for unlined sites in the flood plain are those that are defined as inert. Therefore, the use of inert materials in the restoration of most of Derbyshire's gravel sites in the Trent Valley is likely to be acceptable in principle, and the demand for materials for this purpose is likely to exceed substantially the rate of supply.

5.19 Appendix B acknowledges the potential, within the scope of the proximity principle, for the disposal of non-hazardous and inert waste at sites just outside the plan area. Non-hazardous and inert sites which might contribute to the needs of the north part of the sub-area include Huthwaite at Sutton-in-Ashfield, which is already accepting municipal waste from Derbyshire, and Bentinck at Kirkby-in-Ashfield, which is allocated in the Nottinghamshire waste local plan but has yet to receive planning permission. The proposed New Albion site in Leicestershire, which has planning permission and a railhead, is well placed to take non-hazardous waste from the southern part of the sub-area. Indeed, the Leicestershire waste local plan inquiry inspector accepted that more than half of New Albion's input might come from Derbyshire and Staffordshire and noted, "Importation of waste from nearby parts of these other waste disposal authorities would ... respect the proximity principle" (Inspector's Report, paragraph 4.175).

5.20 The South-East Derbyshire Sub-Area Waste Management Strategy (February 2000) reflects that "the challenge for the sub-area and the remainder of the county is how to design services and plan locations of future facilities in order to reduce the number and length of journeys" (sub-area strategy, paragraph 5.10). A pattern of

sites which included the continued transfer of waste which must be landfilled to sites just across the boundary could conform with the policies of this plan, particularly policies W1a & b and W2.

West Derbyshire Sub-Area

5.21 The west sub-area is composed of High Peak and Derbyshire Dales districts. It is 50 miles long. It is mostly hilly and the central and northern parts are predominantly of limestone. It covers half the county's area but contains less than a fifth of its population. A large portion of this waste management sub-area is in the Peak District National Park. From a local plan point of view, the sub-area is cut in two by the national park. There are perhaps as many differences between the two parts of the sub-area as there are similarities. Internal transport links are difficult. The transportation of waste over such distances, even within the sub-area, might not accord with the proximity principle.

5.22 The West Derbyshire Sub-Area Waste Management Strategy (February 2000) notes the geographical similarities between the sub-area and the neighbouring counties to the west, Cheshire and Staffordshire. It says that commercial waste is delivered across the boundaries in both directions.

5.23 Most of the municipal waste collected in Derbyshire Dales is landfilled at Staveley, near Chesterfield; some of the waste collected in the southern part of the district goes to the Derby transfer loading station, whence it may be sent to the Albion Void near Swadlincote, to Sutton or elsewhere, depending on the commercial situation. Most of High Peak's municipal waste goes to landfill at Arden Quarry, Birch Vale.

5.24 Appendix B shows that the sub-area has limited, licensed, open-gate ^[A2.12] landfill space and paragraph 2.43 of this plan explains the restrictive stance of the Peak District National Park Local Plan towards non-hazardous landfill. Nevertheless, the calculations in appendix B suggest that, during the plan period, there is likely to be a balance, within the sub-area, of landfill space and landfill material. The existing open-gate, non-hazardous site at Birch Vale (Arden Quarry) will probably operate until beyond the end of the plan period.

5.25 Journeys like those to Staveley may accord partially with the proximity principle in the sense that the waste is being disposed of "as near to its place of origin as possible" (Waste Strategy 2000, paragraph 3.6) but they do not accord fully because they carry with them the environmental problems associated with waste and its movement, to be experienced by communities which have not produced the waste. Planning applications for new sites which encouraged such movements might conflict in particular with policies W1a, W2, W6 and W8.

5.26 There is an operational and financial incentive for businesses and waste authorities to find ways of treating their waste more locally. Yet, for environmental reasons (the presence of limestone aquifers and the Peak District National Park), there is not a lot of potential in this waste management sub-area for new, non-hazardous (non-inert) landfill sites.

5.27 Those factors suggest that there is a particular need for new developments in the area which would divert the waste from landfill by managing it higher up the hierarchy, in accordance with policy W1a. The 1999 waste management strategy points out that it may be uneconomic to develop new, high-technology facilities in the sub-area. Such facilities would probably be expensive and require a higher input than could be provided by the low level of the sub-area's waste arisings. Also, the extensive sub-area does not have obvious central locations which have radial transport links which would enable them to serve the area efficiently. Low-technology solutions such as local composting sites may be appropriate.

5.28 Part of the solution may be that recommended in the sub-area waste management strategy: the provision of waste transfer stations in the parts of the sub-area remote from the landfill sites. The strategy suggests that transfer stations might be combined with recycling centres, which can "in some ways be regarded as transfer facilities for householders". The provision of a single, large, waste transfer station would perhaps be the most economical option but, in the context of the sub-area's geography, a facility in each of the two parts of the sub-area might be preferable. Such facilities may offer to local firms, as well as to local authorities, sustainable options for the disposal of industrial and commercial waste.

North-East Derbyshire Sub-Area

5.29 The sub-area is composed of Chesterfield Borough and North East Derbyshire and Bolsover districts. It contains Derbyshire's most recently-closed, deep coal mines and has experienced opencast mining for many years. The legacy of that and former quarries in the limestone in the east explains why the area has been and could continue to be self-sufficient in landfill.

5.30 Although there is sufficient, licensed space within the sub-area to accommodate the sub-area's non-hazardous waste, contractual arrangements currently mean that, whilst municipal waste is deposited at Hall Lane, Staveley, and at Glapwell 3 in Bolsover district, some of the municipal waste is being sent to Sutton-in-Ashfield, in Nottinghamshire. It is also possible that, from 2004, some of Derbyshire's municipal waste will be sent to Thurgcroft, in Rotherham Metropolitan Borough.

5.31 The sub-area's largest site, the Erin void, was originally engineered to provide for the tipping of colliery spoil. Following the closure of deep mines in Derbyshire, the void became available for filling by other means. In 1998 planning permission was granted for the reclamation of the void with waste materials. Although dependent on the rate of input into the site, the applicant anticipated that it would take 12 years to complete the approved scheme. The permission seeks completion of infilling within that timescale. Whilst the current planning permission requires infilling operations to cease in 2011, the site is currently receiving industrial and commercial waste and construction waste at a rate less than envisaged in the planning application. However, there remains the potential for the rate to increase, particularly as the site has good transport links. So it is not possible to predict whether or not a proposal for an extension of time will arise in the future, nor whether such a proposal would receive permission.

5.32 The sub-area has suffered considerable disturbance, particularly from opencast mining, coal-related industry and waste disposal. The waste planning authorities are not keen to encourage extended landfill activity in the sub-area. A better solution might be to encourage the sorts of development which would enable the sub-area's waste to be treated higher up the waste hierarchy, in accordance with policy W1a. Proposals for new landfill development for which there was insufficient evidence of need would conflict with policy W11 (the need for landfill) and perhaps with policy W10 (cumulative impact).

Chapter 6 POLICIES FOR THE PROVISION OF LANDFILL SPACE

Introduction

6.1 The policies in this chapter provide scope for the development of new landfill sites but also seek to reduce reliance on landfill as a means of dealing with waste. The European Council Landfill Directive (1999/31/EC) requires significant reductions in the landfill of waste; it bans the landfill of some wastes and the co-disposal of hazardous and non-hazardous wastes ^[A1.5]. It requires that all waste should be treated before it is landfilled (one form of treatment is the removal of recyclable items from the waste stream; another form is the chemical alteration of hazardous waste to make it safe and suitable for disposal in a “non-hazardous” landfill).

6.2 The directive also sets targets for reducing the landfill of biodegradable municipal waste. The United Kingdom government, in Waste Strategy 2000, accepts the targets and states, “We cannot continue to rely on landfill as we have done in the past We recognise that landfill will play a role ... but it will be a much smaller role” (paragraphs 1.5 and 1.10). Indeed Waste Strategy 2000 contains an additional target: “by 2005 to reduce the amount of industrial and commercial waste sent to landfill to 85% of that landfilled in 1998.” The targets are listed in appendix C of this plan. The locational requirements of the directive are implemented in the UK by the Landfill Regulations 2002, which say that planning permission may not be given for landfill development unless certain issues have been considered. The issues include the distance of the site from residential areas, the protection of natural and cultural heritage, the existence of groundwater and nature protection zones, geological conditions and risks such as flooding and subsidence. The environmental and cultural protection policies in chapters 3 and 4 of this plan cover those issues and apply to all waste management development including landfill.

Providing for new landfill permissions

6.3 Appendix D lists the existing landfill sites in the plan area. To accord with European and government policy, policy W11 tries to limit new landfill provision to the minimum that is necessary. Indeed, the over-provision of sites may inhibit innovative thinking and the development of more sustainable technologies. In cases where there is a need for waste to be landfilled, it remains important that, to meet policy objective 1, the landfill proposal respects the principles of sustainable development. It is necessary to consider the BPEO for the waste streams, the proposed treatment and disposal processes and the effect of the proposal on the site and its surroundings, as required by the policies in the other chapters of this plan. Policy W1a will be particularly important in the consideration of planning applications for new and extended landfill sites.

6.4 Whilst providing for landfill for which there is a need, policies W11 to W13 also maintain sustainability requirements and the perception of waste as a valuable resource (Policy objective 1). That is why policy W11 requires that any adverse effects of the development are outweighed by environmental, economic or social

benefits in addition to the fulfilment of a need for disposal space. The benefits listed in the policy are directly related to the use of land. They include provision for farm diversification, as advised in PPG 7 (“The Countryside, etc.”, as revised). They do not include the recovery of landfill gas because that is now a standard waste licensing ^[A2.5] requirement. Policies W12 and W13 apply considerations which are additional to those of policy W11.

6.5 What is a “beneficial” use will vary from site to site. As a general rule, the district-wide local plans provide the chief guidance. Often they contain specific proposals for the re-use of derelict land; they always contain general policies for the uses of land in the area. The minerals local plan contains policies for the restoration of minerals sites. Chapter 1 explains the relationship of this plan to other local plans.

Policy W11 Need for landfill

6.6 **Waste disposal by means of landfill will not be permitted unless:**

the development is essential to satisfy a need to dispose of locally-generated waste which will not otherwise be met, taking into account the methodology set out in appendix B;

and unless any material harm would be outweighed by one of the following:

- **the development is necessary to restore land for beneficial use in line with development plan policies;**
- **the development is necessary to improve the land for agricultural use;**
- **the development is necessary to achieve farm diversification consistent with the site’s location;**
- **the development is necessary to improve the local ecology or landscape.**

BOX W11

6.6.1 This box is a guide to applicants and decision-makers ^[A3.11]. It sets out the sorts of things which the decision-makers will consider when assessing whether landfill proposals are likely to accord with Policy W11. Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues. Decision-makers would not expect all proposals for landfill development to be able to respond positively to all the suggestions listed below. Other important issues include whether landfill is the best practicable environmental option for the particular waste streams (see policy W1) and whether the site is in green belt (see policy W3).

Satisfying a need (all wastes)

6.6.2 That the need is identified in accordance with the methodology set out in appendix B;

6.6.3 If the need is not identified in accordance with appendix B, that the methodology used for identifying the need is satisfactorily explained;

6.6.4 That the waste would not have to be carried past other landfill sites which could manage the waste to equivalent standards and are open to take the waste.

Hazardous waste

6.6.5 That there is a need for the development to accommodate hazardous or special waste which must have separate disposal facilities.

Improving land for agricultural use

6.6.6 That the development would bring significant benefits to the operation of the farming business, not taking account of any income derived from the landfill activity.

Farm diversification consistent with the site's location

6.6.7 That the land use which would result from the diversification would be in keeping with the scale and character of the site.

6.6.8 That the land use which would result from the diversification would not conflict with the other development plan policies applicable to the area.

Restoration of land

6.6.9 That the land is derelict, disused or under-used or is an existing or future minerals site;

6.6.10 That the land needs or will need restoration to a standard which would be achieved by the form of landfill development proposed in the application (for example, that the restoration of a former coal or clay extraction site to agricultural use would benefit from the particular non-hazardous waste disposal development which the applicant proposes).

6.6.11 That the proposed after-use would not conflict with the provisions of the district local plan for the area.

The phrase, "locally-generated"

6.6.12 That the waste would be "locally-generated": that is, the waste would come from a source (originating premises, recycling facility or transfer station) which is (1) within the sub-area or area identified in appendix B; (2) in a part of an adjoining sub-area or county for which the new site would be the nearest landfill facility for the particular type of waste (eg inert or hazardous); (3) more remote but making the most sustainable journey to landfill in the particular circumstances of the case.

Other considerations relating to landfill proposals

Reclamation and restoration

6.7 PPG 23 (Planning and Pollution Control, 1994) advises that one factor which planning authorities should take into account in preparing local plans is “the need to secure restoration and pollution controls to standards sufficient to ensure that land is capable of an acceptable after-use.” Such after-uses must be in line with development plan proposals for the area of the site in question unless material considerations indicate otherwise (s.54A, Town and Country Planning Act, 1990). If the development plan enables some flexibility, the choice of after-use will depend on local needs and circumstances; for example, reclamation schemes should generally respect local landscape character (policy W7 deals with landscape and visual impacts) and there could be opportunities to provide or assist with employment and the local economy, wildlife sites, access and rights of way, recreation, landscape enhancement, greenway or corridor development or the objectives of the National Forest (at sites within the National Forest) or community forests.

6.8 The Derby and Derbyshire Minerals Local Plan (April 2000) permits mineral development only where satisfactory provision is made for reclamation and after-use. A similar policy would be appropriate for proposals for landfill sites, most of which are former mineral workings but perhaps abandoned by the mineral extractor or sometimes with old permissions not requiring suitable restoration.

6.9 If sufficient fill cannot be secured to achieve restoration to an agreed after-use, sites may be left, for many years, in a derelict or otherwise unsatisfactory state. Policy W12 establishes that, if the application proposal is unclear on that matter, the application may be refused. If the application is dependent on limited sources of waste, the development control authority may seek a legal agreement to ensure that the waste does not go to other sites.

Policy W12 Reclamation and restoration

6.10 **Waste disposal by means of landfill will be permitted only if:**

the application provides for the restoration of the site to contemporary standards and for an appropriate after-use, including an appropriate period of aftercare; and

the application demonstrates that sufficient waste and other fill material is likely to be available, within reasonable proximity of the site, to achieve restoration of the site within the proposed time-scale.

BOX W12

6.10.1 This box is a guide to applicants and decision-makers. It sets out the sorts of things which the decision-makers will consider when assessing whether developments are likely to accord with Policy W12. Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues. Decision-makers would not expect proposals for landfill development to be able to respond positively to all the suggestions listed below.

Development plan proposals

6.10.2 That the proposed after-use of the site conforms with any proposals for the site or policies for the area in district or other local plans.

6.10.3 If there are no development plan proposals specific to the site, that the proposed after-use conforms with any development plan policies (eg green belt or economic regeneration) for the area in which the site is located.

6.10.4 In cases where the development plan enables some flexibility, that the proposed after-use offers benefits which are appropriate to the locality, such as those listed in paragraph 6.7.

Scheme for reclamation

6.10.5 That there is sufficient detail of compaction methods of the whole restoration scheme, including the landfilled material and the landfill cap, and sufficient detail of subsoils, topsoils, venting, drainage, grading, fencing, planting and aftercare in the application to show that the site will be satisfactorily reclaimed for the permitted purpose.

The phrase, “appropriate period of aftercare”

6.10.6 That there will be a period after restoration of the site during which the site operator will be responsible for ensuring adequate aftercare;

6.10.7 That the term of the aftercare period is appropriate to the circumstances of the site and takes account of legislation, government advice and the views of the Environment Agency.

Sufficiency of material

6.10.8 That the source or sources of the waste and of engineering and restoration materials, including the soil resource, is reasonably close to the site.

6.10.9 That the material is available in sufficient quantities to ensure restoration within the timescale proposed by the applicant.

6.10.10 If the fill material is to be imported from a single source or limited sources, that the material is unlikely to be diverted to other places without being suitably replaced.

Decommissioning of plant

6.10.11 That adequate safeguards are in place for the decommissioning of plant, including landfill gas recovery facilities.

The need for a bond

6.10.12 That, if the eventual or complete restoration of the site is in doubt, the applicant is able to enter into a legal agreement which would provide a bond to secure satisfactory restoration.

Sorting of waste before disposal

6.11 Waste taken to landfill sites will often contain recyclable or compostable materials. In accordance with the waste hierarchy and the Landfill Directive's requirement for pre-treatment, as much of such materials as possible should be removed from the waste before disposal.

6.12 Sorting of waste for the removal of usable matter can take place before the waste reaches the landfill site. In practice, the applicant will often be unable to give satisfactory confirmation that such pre-sorting will apply to all the disparate loads of waste which will arrive at the site. Policy W13 establishes that facilities should be made available at the waste disposal site.

6.13 Such facilities may include a bring site ^[A2.8] or a household waste recycling centre (see box W13). Because the landfill site has only a limited life, the provision of those public facilities would not be permanent unless special locational factors, such as the site being in an accessible urban area, applied.

Policy W13 Sorting of waste before disposal

6.14 **Waste disposal by means of landfill will be permitted only if the applicant has shown that:**

before disposal of any waste at the site, facilities will be in place for the sorting of all reasonable quantities of recyclable and compostable materials; and

the proposed standard of the facilities and method of operation, including the proportions of recyclable and compostable materials to be recovered and the post-sorting management of those materials, are realistic and reasonable in the context of an integrated waste management system.

BOX W13

6.14.1 This box is a guide to applicants and decision-makers. It sets out the sorts of things which the decision-makers will consider when assessing whether a landfill development is likely to make adequate provision for the sorting of materials and therefore likely to conform with policy W13. Applicants will normally wish to address these issues (and other issues) when they or the waste planning authority consider them relevant to the policy; they will want to show, when providing supporting information with their applications, what measures they are taking in respect of the issues.

Adequacy of other sorting facilities

6.14.2 Whether, in the case of sites which will receive municipal waste, there are bring site and recycling centres ^[A2.9] in the locality. If they are not yet adequate to serve the area, whether this development should be designed to provide a public facility. If they are adequate, it may be better that the landfill site does not provide a public facility. Such provision would also be inappropriate if it was too remote from homes or the market for the recycled materials and was in conflict with the proximity principle.

BOX CONT. ON NEXT PAGE

Need for on-site sorting

6.14.3 Whether it could be guaranteed that the waste would arrive pre-sorted at the site (i.e. that the compostable and recyclable materials would always have been removed). Often such guarantees would not be possible and so the development should incorporate a sorting facility. The facility may not necessarily be within the landfill site but it should be within the control of the site operator.

Efficiency of the sorting facility

6.14.4 Whether the applicant has provided evidence that the sorting facility can be expected to recover an adequate range and proportion of materials, to contemporary standards.

Management of the sorted materials

6.14.5 Whether the materials would be stored (and the green waste composted) in a visually discreet and non-polluting way (the factors in Box W7 would be relevant). Whether that could, if necessary, be ensured by a conditional permission or a legal agreement.

Time period

6.14.6 Whether the recycling and composting facilities would be removed by the time the landfill is complete. As most disposal sites are in rural areas, it will not normally be appropriate for the facilities to remain (to accord with the other policies of this plan, free-standing recycling centres should normally be associated with settlements). The waste planning authority will normally require by condition that the facilities are removed at about the time that final landscaping is taking place, or earlier if appropriate.

The phrases, “reasonable quantities” and “realistic and reasonable in the context of an integrated waste management system”

6.14.7 Whether the layout and facilities for extracting and sorting different types of recyclable or compostable materials are up to contemporary standards, as evidenced by practice elsewhere, and are likely to produce quantities equivalent to contemporary practice.

6.14.8 Whether the proportions of sorted waste might be affected by factors such as the content of the waste stream or local waste management practices. For example, in an area where high proportions of steel cans are likely to be diverted before the waste reaches the site, it would be unrealistic to expect a high proportion to be recovered on site.

Landfill – other concerns

6.15 Landfill gives rise to numerous concerns affecting the legitimate interests of local and more distant communities. There is potential for pollution from odours, leachate and other noxious emissions and noise pollution. There can be wind-blown litter. The sites can be visually unattractive. The feeding potential at non-inert sites may attract numerous birds, which can be a danger to aircraft.

6.16 The assessment of planning applications for waste disposal by means of landfill will include consideration of all those concerns. The relevant policies, W4-W10, are contained in chapter 4. The assessment will also include consideration of the policies in chapter 3, policies W1-W3, which apply the main principles of sustainable waste management.

Chapter 7 DEVELOPMENTS FOR THE RECOVERY OF VALUE FROM WASTE

Introduction

7.1 This chapter describes various types of development which provide facilities for the recovery of value from waste and discusses the concerns relating to them. Most planning applications for waste development will be considered against a range of development plan policies but the following paragraphs make helpful reference to policies of this plan which are particularly applicable. In several instances, the paragraphs identify the sorts of locations where particular types of waste management development may be appropriately sited. In addition to those, the development of waste treatment facilities will normally be acceptable on land that is suitable for general industrial (B2) uses ^[A3.16], although such sites may not always be appropriate (for example, a bunker for the storage of recyclable materials from a shopping centre should normally be sited within the centre).

Encouraging new initiatives

7.2 PPG 10 advises that local plans “should not inhibit the ability of the waste management industry to adapt to” new initiatives and technologies and the needs of new markets. It points out that the waste market is constantly changing” (paragraph 29.i) and advises that waste planning authorities should have “policies which require consideration of all the options for managing waste” and “should not seek to prohibit the development of particular types of waste facility” (paragraph 33).

7.3 The policies in chapters 3 and 4, particularly policies W1a & W1b, provide for such development whilst seeking to ensure that it does not cause overriding environmental damage. There may sometimes be uncertainty about the level of risk posed to the environment by proposals involving new technology. In such cases, Policy W4, which applies the precautionary and proportionality principles, may be particularly applicable.

Recycling before energy recovery

7.4 Energy recovery, through incineration, pyrolysis and other methods, is a developing technology which might result in new initiatives in the plan area. Waste Strategy 2000 states, “Where energy recovery plant are needed, ... they should be appropriately sized to avoid competition with recycling” (page 8). The government has since advised that “any new proposal for incineration, before it could be approved, now had to demonstrate that all opportunities for recycling had been considered first” (Environment minister Michael Meacher, December 2000). Policy W1a would apply in such cases.

On-site sorting and recovery of waste

7.5 The South East Derbyshire Sub-Area Waste Management Strategy (page 4) proposes that the design of all waste management sites should provide for bulking-up ^[A2.15] and recycling. That would contribute to the integration of waste management facilities, respect the waste hierarchy and contribute positively to recovery rates in the city and county.

7.6 The site's design would probably include provision for the sorting of recyclable and compostable materials when the waste arrives on site or after prior treatment and for their removal in bulk for recovery when appropriate. It should also provide for the sorting of waste produced within the site. Most waste management sites produce waste which they cannot themselves process. That waste could go to landfill or to another facility for processing higher up the waste hierarchy. Where possible, the waste should be processed in the most sustainable way (see chapter 2 and policy W1a).

7.7 The planning authorities, when assessing applications in the context of policies W1a, W1b and, when appropriate, W13, will consider whether there is adequate provision for the recovery of waste materials.

Waste transfer stations

7.8 Waste transfer stations receive materials, usually from a variety of sources, and bulk them up (that is, collect them into quantities large enough to transport economically to a treatment or disposal location). They may sort the materials before bulking up. Transfer stations may deal with mixed, predominantly municipal, industrial and commercial, waste or may specialise by, for example, accepting specific hazardous wastes.

7.9 In Derbyshire, it would not always be economical for all the refuse collection vehicles in an area such as the southern Derbyshire Dales to travel to a disposal site in the north or east of the county. Instead, they would take their loads to a more accessible waste transfer station. So waste transfer stations can be important elements of an integrated waste management system, in the spirit of Policy W1b. The waste transfer stations in the plan area are listed in appendix D.

7.10 General industrial areas (see definition of "general industry", appendix A3.16) are usually the most suitable locations for waste transfer stations, provided that the transfer stations are sited sufficiently far from homes that they do not cause harm to people or communities. The buildings and the external skips, transfer and storage areas would not be appropriate in visually sensitive locations and the sites can generate considerable noise from machines shifting heavy and bulky rubbish and from the movement of large vehicles. There may also be odours from mixed waste and there is potential for unneighbourly emissions from some hazardous wastes. Policies W6, W7 & W8 address such concerns.

Enabling the provision of recycling and composting facilities

7.11 There is a wide variety of ways in which recovery of waste materials may take place and indeed it is likely that, during the plan period, the waste industry will propose a wide variety of recycling and composting facilities, some of which may use new technologies. The policies in chapters 3 and 4, particularly policies W1 & W4, take a positive approach to such developments.

7.12 The remaining parts of this chapter describe the main, current types of facility and set out some of the matters which will be relevant to consideration of planning applications.

Bring sites

7.13 Bring sites ^[A2.8] are places, usually provided by the waste collection authority, which contain skips or other containers to which the public can bring used bottles, papers and other recyclable materials. They are local, small-scale facilities, usually in easily accessible locations such as suburban shopping centres. The provision of bring sites does not normally require an application for planning permission because the “bring” use is ancillary to the operation of sites such as car parks. However, there will be occasions when permission is necessary, particularly if the expansion of bring site provision leads to widespread use of free-standing sites.

7.14 The 1999 Derbyshire Waste Management Strategy aims to provide one bring site per 750 households, conveniently located – for example, close to homes, at shopping centres or along bus routes. Provided they are in places which do not require people to make a special journey, the bring sites would be unlikely to conflict with policy W2 and would normally accord with policies W1a and W1b. Specifically, the sub-area strategies have identified needs for more bring sites at Hadfield and Gamesley. In addition, there may be shortages of bring sites in some rural areas. The target rate of 1:750 is subject to revision. For several reasons, provision at that rate may not always be practicable or economic and the requirements will vary from district to district and throughout the plan period. For example, the need for bring site provision will relate to the amount of separate collection by the waste collection authority ^[A2.4] of recyclable materials. So it would not be realistic for the plan to define the precise location of bring sites.

7.15 Being small-scale developments, bring sites can normally be accommodated within the community they serve. The main environmental concerns arise from their proximity to people’s homes and the potential disturbance to residential amenities by noise and traffic, vandalism to the bins and the associated fear of petty crime.

7.16 When a planning application for a bring site is necessary, it will normally be an initiative of the waste collection authority and the application will be decided by the local planning authority, taking into account policy W1, along with the other development plan considerations.

Recycling centres

7.17 There are several types of recycling centre. They include household waste ^[A1.2] recycling centres, scrapyards and aggregates recycling centres. All have environmental impacts. The sites process all sorts of wastes, including potential pollutants. The main environmental concerns for local communities relate to traffic, noise, smell, dust and visual impact. Large proportions of the sites are often uncovered and the household sites attract considerable private traffic. There can also be a risk of run-off or leaching of pollutants: the location and design of new sites should seek to avoid pollution of water resources.

7.18 To locate them outside built-up areas, which generate most of the waste, may offend the proximity principle and conflict with Policies W1a and W2. Suitable permanent sites may be found in those parts of built-up areas where general industry ^[A3.16] is accepted.

7.19 Some types of recycling centre, such as scrapyards and aggregates recycling plants, have a high nuisance potential: in such cases, their sites would have to be more remote from people's homes. For example, they may be kept away from those general industrial sites which have grown up, historically, alongside a residential area. In recent times, general industrial estates have often been provided away from residential areas; those, more remote, estates would usually be appropriate locations for scrapyards and aggregates recycling plant. Where there are existing scrapyards in already suitable locations, it may be appropriate to allow their sites to develop into more general recycling centres (such considerations are always subject to the licensing requirements of the Environment Agency even if planning permission is forthcoming).

7.20 District local plans may have policies to protect or upgrade the environment of an area in the vicinity of a general industrial site. Consequently, additional locational limitations may apply.

7.21 An exception to the built-up area principle may occur where a recycling centre is proposed as a temporary measure at a landfill or other disposal site in the countryside (see policy W13). Such provision may be desirable just as a temporary measure until a more accessible recycling centre closer to a built-up area is established. In such a case, the provisions of policies W1, W3, W5 and W6 might be particularly relevant.

Household waste recycling centres

7.22 Established by the waste disposal authorities under the Civic Amenities Act 1977, household waste recycling centres receive and sort household waste. They fulfil the statutory functions of civic amenity sites ^[A2.9], including the reception and sorting of bulky, mixed, household waste. About half their input is garden waste and so they may (though not currently in Derbyshire) have on-site composting and compost-sales facilities. They respond to the waste management needs of their area and, in appropriate locations, can be designed to take other waste materials for sorting or to operate as waste transfer stations (see paragraph 7.8). The Derbyshire Waste Management Strategy calls such centres, simply, "recycling centres" and says that, in future, the emphasis of the centres should be on the segregation of waste

and on the receipt of segregated waste for recycling purposes rather than mixed waste for landfill.

7.23 There are six household waste recycling centres in Derby and Derbyshire. To help achieve the government's household waste recycling and composting targets, it will be necessary for the waste disposal authorities to provide more centres during the plan period, to serve existing and new residential areas. The recycling centres should generally be in places which people visit for other purposes. Such dual purpose trips are more sustainable. The waste strategy locational criteria, which are subject to revision, include (paragraph 10.26) the provision of recycling centres within seven miles of 90% of the population; the figure of 90% should be exceeded if possible by locating the recycling centres close to urban centres.

7.24 Derbyshire County Council, as waste disposal authority ^[A2.4] for the county, including the peak district, has identified needs for sites in the general locations of Buxton-New Mills, Ashbourne, Matlock, Hope Valley, Alfreton and Bolsover as the preferred way of satisfying the locational criteria. There may also be a need for a site in North East Derbyshire, a need perceived by the district council.

7.25 Policies W2, W6, W7 and W8 will normally be particularly relevant in the assessment of planning applications for household waste recycling centres.

Metal recycling, end-of-life goods and scrapyards

7.26 Scrap metal wastes and scrapped vehicle parts are mostly collected through a well established infrastructure, passing from the small scrapyards to the main dealers. High value material is removed and the materials sorted and bulked up. End-of-life items which may need recycling can include white goods, such as fridges, and can contain a high proportion of electrical and electronic parts (see paragraph 2.5 re European directives addressing specified types of scrap; additionally, since January 2002, EC Regulation 2037/2000 has banned the scrapping of fridges and freezers without the prior removal of ozone-depleting substances). Appendix D lists the plan area's existing metal recycling sites.

7.27 The scrap industry may be affected by the European directives mentioned above and perhaps transformed by the Directive on end-of-life vehicles (ELVs), which requires manufacturers to take responsibility for the scrapping of waste vehicles. When the ELV Directive is implemented, it could result in fewer but larger scrapyards, with consequent longer journeys to their locations but higher environmental standards.

7.28 Policies W1a, W2 and W5-W8 will normally be particularly relevant in the assessment of planning applications for scrap material recycling facilities.

Aggregates recycling centres

7.29 Aggregate recycling centres crush, screen and sort construction and demolition waste ^[A1.5] to form secondary aggregates. There is likely to be a growing need for such centres, what with the increasing impact of landfill tax and improved marketing of the product. Operational quarries are often useful locations for aggregates recycling centres, for the life of the quarry. The quarries have screening, crushing and other suitable equipment and expertise. Their suitability would be

informed by a BPEO assessment of the management of the waste stream, to ensure that the benefits outweigh other considerations such as the unsustainable transport of waste from its source (see policies W1a and W2).

7.30 Mobile recycling plant is sometimes located on construction and demolition sites. Such initiatives are in the spirit of the proximity principle, particularly if the product is used locally. Being mobile, temporary and ancillary to the development of the site, they will not normally need planning permission.

7.31 Policies W2, W5-W8 and W10 will normally be particularly relevant in the assessment of planning applications for aggregates recycling centres.

Material recovery facilities

7.32 Materials recovery facilities (MRFs) take mixed recyclables, sort them into their respective materials and bulk them up, to facilitate their recycling. They can receive either unsorted waste or pre-sorted, recyclable waste. They differ from waste transfer stations because their main purpose is to produce an end-product (recyclable materials) whilst that of a waste transfer station is to bulk up waste into larger quantities for transhipment.

7.33 Such facilities can be an integral part of other waste management developments. But there may be proposals for new, free-standing MRFs, to process wastes from the municipal and non-municipal sectors. Such developments might be designed as centralised facilities, to serve a wide area, and would be of a proportionate scale. Most of the process would take place within a building but there could be noticeable external impacts, including a considerable amount of vehicle movement and the emission of odours from the biodegradable elements in the waste. Materials recycling facilities may also double as waste transfer stations, which could aggravate those impacts.

7.34 MRFs would not normally serve the public directly and so would be appropriate on large, general industrial estates, away from people's homes. Ideally, they would have rail access. Alternatively, it would be necessary to ensure immediate access to the primary road network, avoiding residential areas. Because of their scale and their potential impact on the transport network and the environment generally, applications for free-standing MRFs will need to be carefully produced to show how the development would conform with each of the policies in chapters 3 and 4 of this plan.

Composting

7.35 The composting of organic materials reduces the quantities of waste which require incineration or landfill. It is an important source of soil and soil improvers and can be applied to all non-hazardous, biodegradable wastes. Composting is often locally provided, in full accordance with the proximity principle. Topsoil and soil improvers, the chief products of composting, can play an important role in the restoration of landfill sites and other derelict land. The main types of composting plant which will require planning permission are community composting and central composting sites. The assessment of planning applications for composting

development will include consideration of compliance with the proximity principle and other BPEO matters, such as treatment alternatives for parts of the waste stream, such as paper, for which recycling may be a more sustainable option. Applicants will need to provide information on the likely origin and content of the waste materials.

Community composting

7.36 Community composting sites are small-scale facilities offering localised composting opportunities for villages and other settlements. Although based around a building, they may have external impacts, such as health effects from bio-aerosols ^[A3.13] or effects on visual amenity or odours, either from open-air storage or because the composting process itself may take place in the open. There may also be sales of the compost product, which could attract additional traffic and have visual impacts, for example from roadside advertisement. If the sales were ancillary to the composting use, they might not need planning permission.

7.37 There could be conflict between the need for a local facility and the perceived discomfort of living close to the site. There is also a danger that run-off or leaching from community composting and central composting (see paragraphs 7.39-7.40) sites could pollute water resources. Therefore, policies W6 to W9 will normally be particularly relevant to the assessment of applications for composting developments.

Central composting

7.38 Central composting sites may also have predominantly open-air operations although aerobic and anaerobic composting may take place “in-vessel” and/or in a building such as a barn. Because of the larger scale of the activity, the potential for pollution from bio-aerosols and unpleasant smells is greater than for community composting sites. There is also greater potential for noise nuisance from machines such as the shredders and rippers which render the incoming waste more compostable.

7.39 Suitable locations would normally be in general industrial areas or in association with household waste recycling centres such as those proposed by the waste management strategy. Applications for sites in other locations, including farm complexes and sewage works, will be permitted if they accord in other respects with the general policies of this plan; that will depend on the environmental impact, the area served, the size and methods of the operation, the characteristics of the site and the amount of traffic generated. Therefore, policies W2, W3 and W5 to W8 will all be particularly relevant to the assessment of such applications. Another exception to the built-up area principle may occur where a central composting site is proposed as a temporary measure at a landfill or other disposal site in the countryside (see policy W12). Such provision may be desirable just as a temporary measure until a more accessible site is established.

Energy Recovery

7.40 The generation of heat and power by means of incineration is the most common, large-scale form of energy recovery. Most operators estimate that, to be economic, using current technology, incinerators need to handle 200,000 tonnes of

waste per annum. As the technology develops the required economies are becoming achievable with much lower inputs.

7.41 Other means of energy recovery include the heating without burning of waste materials. Such methods, which include pyrolysis and anaerobic digestion, are being improved in Britain and elsewhere. They can be economic in smaller sizes, perhaps as low as 30,000 tonnes. Hence, the sites can be smaller. More sites will be needed to handle the same quantity of waste but they can be more localised and thus more in line with the proximity principle. New methods may arise and may be the subject of planning applications. All applications will be assessed against the policies of this and other local plans.

7.42 Proposals for incineration and other forms of thermal treatment often raise public concern. The following paragraphs are a guide to some of the matters which the planning authorities will take into account when assessing applications for such development in the context of the policies of the development plan.

Incineration

7.43 As explained in chapter 2 and paragraph 7.4, the government has advised that incineration should be considered only if all the opportunities for recycling have been explored first.

7.44 Incinerators use waste as fuel, which burns in air to produce heat. The heat generates steam, which can drive turbines to produce electricity, usually for the National Grid, or can provide hot water for, say, a district heating scheme. Usually, the end-products will be both electricity and heat.

7.45 The largest incinerators burn predominantly municipal solid waste. The economics of the operation often require them to have a large, continuous throughput. In sustainability terms, that can be a disadvantage because it can divert waste from other forms of treatment higher in the waste hierarchy, which would be in direct conflict with policy W1a.

7.46 Individual organisations also burn their wastes (though not always with energy recovery), including clinical waste in hospital incinerators and other forms of hazardous waste which cannot be safely treated by other means of waste management. The treatment of hazardous wastes is one of the positive benefits which incineration can offer, to set against the environmental concerns described below.

7.47 In most cases, incinerators can potentially produce quantities of energy which could economically be recovered. Incineration without energy recovery is at the bottom of the waste hierarchy and will seldom receive planning permission. Applicants should be able to show that the proposed plant's potential for energy recovery would be optimised by the use of modern standards of technology and organisation (see box W1a).

Visual impact

7.48 Incinerators, particularly municipal solid waste incinerators, are large developments with chimneys perhaps 80 metres high. They can have a strong visual impact on the locality, which may result in a planning refusal. To be able to show that the impact will be minimised, potential developers may have to carry out considerable pre-application work on the layout of the buildings and installations and their relationship with surrounding land uses and built form and show how the application accords with each of the plan's policies and other development plan policies.

7.49 Because of their height, incinerator chimneys can be a hazard to aircraft (DLTR Circular 2/92 is relevant to applications within the vicinity of aerodromes). Also, the continuous throughput of air and the heat generated can affect the micro-climate, which may also be a hazard to aircraft. Policy W9 deals with those considerations.

Environmental conflict

7.50 To accord with the policies of the development plan, including policies W1a and W3 of this plan, incinerator developments will normally be in or well-related to the settlements which they will serve. That may give rise to potential environmental conflict, caused by the movement of large vehicles, noise, odour and the effect on the micro-climate.

7.51 The incineration process gives rise to harmful gases and chemicals. The containment of those substances within the incinerator plant and the prevention of their emission in dangerous quantities is continuously monitored and controlled by regulators such as the Environment Agency. Policy W6 considers the land-use consequences of pollution. Because the potential for pollution from incinerator developments is of especial public concern, policy W4 (precautionary principle) would also apply.

The end-product

7.52 The waste product of incinerators (ash, clinker and rejected material), up to 25% of the input, often ends up at landfill. There may be more sustainable options which enable the waste to be used as a valuable resource, for example in civil engineering projects, although it may contain contaminants.

Other patterns of management

7.53 The assessment of planning applications for incinerators will also include consideration of existing or other potential patterns of waste production, collection and disposal and whether the effect on those patterns would result in a better integrated and more sustainable system (see box W1b).

Pyrolysis and gasification

7.54 Pyrolysis is the heating of organic material in the absence of oxygen, without combustion. It contributes to energy recovery by the production of combustible oils and gases. There is also a solid product, char dust, which may be usable but is high in carbon and heavy metals. For example, pyrolysis is used for the production of

coke from coal. The Coalite plant in Bolsover has reduced the manufacture of smokeless coal and is seeking to increase its tyre pyrolysis (carbonisation) operations. Roughly 90% of the infrastructure to pursue the new operations is already in place due to previous coal carbonisation operations. The proposed operations could annually process 120,000 tonnes of HGV and car tyres.

7.55 Environmental issues concerning pyrolysis are similar to those arising from incineration plant although, despite the emissions associated with traditional coking plant, there need not be detrimental gaseous emissions as the plant may recirculate the gases. The assessment of planning applications for new or extended pyrolysis plant would be similar to that for incinerators and would be informed by similar considerations (see above). However, the scale of site, buildings and chimneys may be much smaller than for an incinerator.

7.56 Gasification is similar to pyrolysis. It uses steam or air to convert organic waste at high temperatures mainly to fuel-rich gases, which are subsequently converted to energy by combustion (burning). Gasification development involves large buildings, prominent chimneys and the potential for hazardous emissions. The environmental considerations are similar to those for incinerators but on a smaller scale (for example, the chimney may be 30 metres high).

Anaerobic digestion

7.57 Anaerobic digestion is the bacterial breaking-down of organic material in the absence of oxygen. It takes place spontaneously in landfill sites but is also used as a distinct technological process in specially designed vessels.

7.58 Anaerobic digestion is used for the treatment of sewage sludge and can be used for other wastes. The technology is still developing and may result in planning applications for the treatment of the organic part of municipal and other mixed wastes. It produces gases, which can be used for energy production, and compost.

7.59 The gases can be hazardous if not properly screened and so such plant can give rise to some of the environmental concerns associated with incineration plant, although chimneys would be less tall and the scale of the development would normally be smaller.

Refuse-derived fuel

7.60 Refuse-derived fuel (RDF) is made from municipal solid waste and can be used in place of primary fuels for many combustion-based purposes.

7.61 In addition to producing refuse-derived fuel, an RDF plant can bring other benefits, offering an integrated approach to waste management. It tends to sort the input waste as part of the production process. It also has some in-built flexibility, as it can use varying proportions of waste types.

7.62 Refuse-derived fuel combustion can give rise to concerns about the safety of emissions but they would be for control by the pollution regulator at the place of

combustion. The production of the fuel is relatively pollution-free apart from the generation of noise and odours, mainly at reception and dispatch.

7.63 RDF plant will often be appropriate in general industrial locations. Policies W1, W2 and W8 will be particularly relevant to the assessment of planning applications for such development.

Waste resource parks

7.64 The concept of waste resource parks is in its infancy. A waste resource park would be a multi-function site bringing together waste management businesses, to integrate sorting, recovery and landfill in a single location. It would provide sufficient flexibility for the incorporation of new technology.

7.65 Because such sites would handle a wide range and large quantities of waste and recycled products, they would need access to rail and water freight facilities and to major road junctions.

7.66 The concept of the genuinely integrated waste management campus is appealing but, in practice, there could be a number of problems if they were attached to landfill sites. They would be likely to be away from urban areas and therefore in conflict with the proximity principle (see policy W1) and with policy W2 and perhaps W3 (green belts). A firm sorting and bulking-up waste paper, located on such a site, may encourage a less sustainable delivery and collection system than if located closer to the producers of the waste paper (conflict with policy W2). And once the landfill site was full and restored, there would remain an established industrial-type estate in the countryside unless the campus and its buildings were removed.

Waste water treatment and sewage plant

7.67 There are two main forms of works for the treatment of water. Water treatment works are plant for the final treatment of water before it reaches the consumer; water treatment works are not waste treatment facilities and so are not covered by this plan. The plan does cover waste water treatment works (commonly called “sewage works”), which treat sewage to convert it to clean water. The need for new and extended waste water treatment plant relates mainly to the growth of population and to rising standards of treatment which often cannot be achieved using older installations.

7.68 Much waste water treatment and sewage development does not require applications for planning permission, as the sewage undertakers have statutory, permitted development ^[A3.14] rights. Such rights are also extensive on established sites. Waste water treatment produces its own waste, which is mainly sewage sludge. Sewage sludge produces odours and can carry health risks if not adequately treated. After appropriate treatment, sludge is recycled to agricultural land, incinerated, or landfilled.

7.69 When new waste water treatment sites or extensions to sites become necessary, site location is a major constraint. Developments usually have to be in

river valleys and close to the areas they serve. When considering applications, the planning authorities will take into account the extent to which location is constrained by the needs of the service (see policy W1b).

7.70 Proposals for waste water development should respect the visual and ecological character of the locality and local distinctiveness. Applicants should show that the proposal minimises the impact of the development on the environment and local communities and should propose appropriate measures to mitigate environmental damage. The main, local impacts can include visual and ecological effects on the valley (see particularly boxes W3, W5 and W7) and unpleasant odours and flies affecting people living, working and at leisure nearby (see particularly box W6). Because of the sites' common locations in flood plains, questions relating to flood protection will often arise. Policies W3, W5, W6, W7 and W9 will be especially applicable to planning applications for such development.

7.71 After treatment to remove contaminants and reduce the risk of harm to animal and human health, sewage sludge is commonly spread on agricultural land, under the Sludge (Use in Agriculture) Regulations, 1989, which seek to ensure the safe disposal of the sludge to land. That activity is not development requiring planning permission. In cases where permission for the sale or use of the sludge is needed, applications will be assessed under the policies of the Derby City and district-wide local plans.

Appendix A DEFINITIONS

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A1. ABOUT WASTE

A1.1 Waste

Waste is a material, a solid, liquid or gas, which was not wanted by its last user or producer. There are several ways of categorising waste. They overlap with each other, so a particular item of waste may fall into several categories.

Categorising waste includes grouping it by:

Origin – including household, industrial, commercial, mineral, agricultural.

Methods of collection – including municipal, industrial & commercial, construction & demolition, clinical.

Character – including biodegradable liquid, biodegradable solid, inert, hazardous.

Material – including glass, paper, plastic, metal.

Last use – including packaging, tyres, vehicles, electronic equipment.

Licensing requirements – including controlled, colliery, agricultural, explosive.

The European Union definition of waste, which is also in force in England, describes 16 categories of discarded material.

Waste as a valuable resource. People often see waste as a nuisance – something to be got rid of. Others say, “Where there’s muck, there’s brass”. We see in waste something of value to the community. Waste can provide: materials for making new products; compost; power, using gas from composting; heat from incineration; fill for levelling or restoring derelict quarries and other sites, for preparing land for development and for the improvement of agricultural land.

A1.2 Household & municipal waste.

Household waste is mainly from the councils’ household collections but includes some other wastes, notably civic amenity site waste (see “recycling centres”, chapter 7) and street cleaning waste. Municipal waste is all the household and other waste collected by or for the district or city council. It includes some trade waste.

A1.3 Biodegradable municipal waste.

Biodegradable municipal waste (BdMW) is the non-inert part of municipal waste (about 62% of Derbyshire’s). It includes such elements as food, garden waste and paper. It excludes metal, glass, most plastics, most ashes. Biodegradable waste is also known as organic waste.

A1.4 Industrial & commercial waste.

Industrial waste is from industrial premises. Commercial waste is from trade, business, sport and recreation except municipal parks, waste from which is included in household waste.

A1.5 Construction & demolition waste.

Construction and demolition (c&d) waste arises from the construction, repair, maintenance and demolition of buildings and structures. It mostly includes brick, concrete, hardcore, subsoil and topsoil. It can contain timber and metal. Most c&d is “inert” but it can be “hazardous” if it contains, for example, asbestos. Some industrial waste also contains an element of construction or demolition waste, which might appear in the Environment Agency’s returns as “industrial” or “commercial”, rather than as c&d waste.

A1.6 Hazardous, non-hazardous, inert and special wastes.

The landfill directive ((European Council Directive 1999/31/EC) requires separate disposal of hazardous, non-hazardous and inert wastes (with the exception that, generally, non-hazardous sites will be able to accept inert waste). In respect of new disposal sites (operating after 16 July 2001) and “hazardous” sites, the UK government (England & Wales) implemented the directive in July 2002. For other existing sites, implementation has begun, with full compliance by 2009.

Hazardous waste is any waste which is on the EC’s Hazardous Waste List or within the definition attached to the list. It is similar to the UK’s “special waste” (see below) but not identical. Some hazardous wastes can be treated to render them suitable for non-hazardous disposal; some, such as many clinical wastes, are incinerated; others, such as contaminated canal dredgings, are sent to special landfill sites.

Non-hazardous waste is non-inert waste which is not defined as hazardous. Inert waste, according to the landfill directive, is waste which does not undergo significant physical, chemical or biological change and complies with certain other criteria so that it is not harmful when deposited. It contains insignificant potential for pollution and does not endanger the quality of surface water or groundwater. By definition, inert waste does not include waste which is on the hazardous list. The UK definition is similar to the EC definition. Examples of inert waste are glass, concrete and bricks. Special waste is defined by the Control of Pollution (Special Wastes) Regulations 1980. It is "special" if it contains substances listed in the regulations or: is dangerous to life; combusts easily; is on a statutory list of medical products.

A2. MANAGING WASTE

A2.1 Waste management.

"Waste management" includes all the things that councils or private firms do with waste. It includes waste collection, recycling/composting, recovery of value from waste, treatment and disposal to landfill.

A2.2 Sustainable waste management.

"Sustainable development" is development which meets the needs of the present without compromising the ability of future generations to meet their own needs. There are four main sustainability goals. "Sustainable waste management" contributes to those goals by encouraging a viable waste management industry, by cutting down on the amount of waste we produce, by reducing the impact of transportation and other environmental effects of waste collection, treatment and disposal and by taking account of the "key considerations".

A2.3 Integrated waste management.

In Waste Strategy 2000, the government defines "integrated waste management" as follows: "involves a number of key elements, including: recognising each step in the waste management process as part of a whole; involving all key players in the decision-making process; and utilising a mix of waste management options within the locally determined sustainable waste management system." That definition is expanded in paragraph 3.1 of Part 2 of the strategy, with reference to a "mix" of options. It is necessary to avoid over-reliance on a single waste management option.

Integrated pollution prevention and control (IPPC). Waste Strategy 2000 talks also of IPPC, which is a process more closely related to waste licensing than to waste management. The European Community's Integrated Pollution Prevention And Control Directive (96/61/EC) is a pollution reduction measure. It requires an integrated system of pollution prevention controls, which will, amongst other things, incorporate landfill regulation. Integrated pollution prevention and control should not be confused with integrated waste management.

A2.4 Waste collection, disposal and planning authorities.

Waste collection authority: a local authority responsible for the collection of waste from each household in its area. The authority may also collect commercial and industrial waste.

Waste disposal authority: a local authority responsible for providing disposal sites to which the collection authorities must send their controlled waste. The authority is also responsible for providing civic amenity facilities.

Waste planning authority: a local authority responsible for deciding planning applications for waste treatment and disposal and for preparing a waste local plan.

The Derbyshire authorities: Derby City Council is responsible for the complete management process for municipal waste arising within the city. It is therefore the waste collection and disposal authority for the city. The City Council is also the waste planning authority for Derby, responsible for all planning decisions in the city. In the rest of Derbyshire, including the Peak Park, the district and borough councils are the waste collection authorities and the County Council is the waste disposal authority. In Derbyshire, excluding the City of Derby and the Peak Park, the County Council is the waste planning authority. Within the Peak Park, the Peak District National Park Authority is the waste planning authority.

A2.5 Waste licensing.

Licensing control of waste is a separate system from planning control. Organisations which treat, transfer, deposit, recover or dispose of waste normally require a waste management licence to do so. The aim is to avoid dangers to human health and processes or methods which could harm the environment (Waste Strategy 2000, part 2, paragraph 3.36). The licence is obtained from the waste regulation authority, the Environment Agency. Such developments may also require planning permission.

For licensing purposes, the waste categories include:

Controlled wastes – those for which a licence is necessary, regulated by the Waste Management Licensing Regulations, 1994; they include most wastes, household, industrial, commercial, solid, liquid and clinical.

Exempt wastes – these include mine, quarry and farm wastes.

Radio-active and explosive wastes are controlled by separate legislation and procedures.

A2.6 Waste reduction, re-use and recycling

Waste reduction seeks to avoid the generation of waste; re-use uses products or materials more than once and thus delays their becoming waste; and recycling processes waste into new materials or goods. Waste Strategy 2000 says that it is necessary to break “the link between economic growth and increased waste” (Part 1, Summary, p.7). Much work on waste reduction and re-use is being carried out by businesses and householders. Also, campaigns such as ‘Zero Waste’ seek to redesign the way that resources and materials flow through society so that manufactured products are resource-efficient, long-lasting, re-useable, repairable and recyclable. Such campaigns, if successful, could influence the number, scale, type and location of facilities that the plan area will need.

A2.7 Recovery of value from waste.

Value can be recovered by making further use of waste, such as using it as an energy source or recovering useful materials from it, before it is finally deposited in a hole or destroyed otherwise. Recovery of value helps society to slow the process of taking raw materials from the earth. Recovery is often cheaper than getting and processing raw materials. Recovery includes recycling, composting other forms of material recovery and the recovery of energy, such as heat or electricity, from waste. Energy and material recovery can be achieved by incineration, to give heat and power. It can also be achieved by heating of waste, with or without air, to give combustible gas. Re-usable materials can also be gained from the residues of those processes.

A2.8 Bring sites.

Bring sites are locations where there are free-standing containers for the public to deliver recyclable materials. They are also known as “local amenity sites”, confusingly as “recycling centres” (q.v.) and colloquially as “bottle banks”. They are unsupervised. They may accept biodegradable rubbish for composting although there are none in Derbyshire which do so.

A2.9 Recycling centres and civic amenity sites.

Recycling centres and civic amenity sites are defined in chapter 7.

A2.10 Landfill & landraising.

Landfill is the controlled deposit of waste to land. Landfill sites are voids (excavated or depressed areas of land) in which waste is deposited. They are often disused quarries or mines. The term “landfill” includes landraising, which is the disposal of waste above, rather than below, ground level.

A2.11 Landspreading.

Landspreading is the spreading of waste over agricultural land, to improve its soil structure or condition. Sewage sludge is commonly used, as are wastes from the food and brewery industries. Landspreading does not usually require planning permission and often is exempt from waste licensing. The exemptions are often, in the view of the Environment Agency, used as a means of cheap disposal rather than for the effective recovery of agricultural land.

A2.12 Open-gate landfill sites

The Environment Agency's Strategic Waste Management Assessment (2000) states that these are landfill sites which are licensed to accept waste from many different producers.

A2.13 Composting

A biological process where biodegradable matter (such as garden and kitchen waste) is broken down in the presence of oxygen into a material which is suitable for enriching soil.

A2.14 Co-disposal

A classification of landfill site that is licensed to accept biodegradable wastes (for example, municipal waste) and a limited range of special industrial wastes. This type of landfill operation will be illegal under the Landfill Directive from 2009. All landfill operators in the UK should have submitted site conditioning plans to the waste regulation authority (Environment Agency) by 16 July 2002 designating their landfill site as either accepting hazardous, non-hazardous or inert wastes as to comply with the 2009 deadline.

A2.15 Bulking-up

A waste management technique whereby waste from various places is brought to a central location, stored on-site until enough waste has accumulated that it is commercially viable to transport to a treatment or landfill facility. Such facilities are more common where collected waste has greater distances to travel usually in sparsely populated areas. The term, "bulking-up" does not usually imply the sorting or separating of recyclable or compostable materials.

A3 POLICY CONSIDERATIONS & OTHER DEFINITIONS

A3.1 Government and European policy

The government has published:

Planning Policy Guidance Note 10 (PPG 10) (September 1999). The PPG is called "Planning and Waste Management"; it aims to assist planning authorities in the preparation of waste plans and the determination of planning applications.

Waste Strategy 2000, the national waste strategy (May 2000). The strategy explains the need to achieve what the document calls "sustainable waste management" (definition A2.2) and it contains policies and targets which aim to tackle the growth in waste and to make sure that waste materials are put to better use.

The government policies and targets take into account policies of the European Union (EU). In particular, the government seeks to implement the European directives. The key directives for our local plan are The Framework Directive on Waste (1975, with amendments to 1996) and The Landfill Directive (July 1999), which requires reductions in the amounts of some types of waste being sent to landfill and bans certain wastes from landfill altogether. *(The information in this definition is further explained in chapter 2 of the plan.)*

A3.2 Best practicable environmental option (BPEO)

The best practicable environmental option is explained in chapter 2.

A3.3 Key considerations: waste hierarchy, proximity principle, self-sufficiency

The key considerations are explained in chapter 2.

A3.4 Regional policy

Derbyshire is in the East Midlands region. Planning Guidance for the region is in a document known as "RPG 8" ("Regional Planning Guidance for the East Midlands to 2021", January 2002), published by the government. The RPG includes policies on waste management.

A3.5 The structure plan

The Derby and Derbyshire Structure Plan (January 2001) sets out the planning policies of the city and county councils up to the year 2011. The law requires the waste local plan to conform with the adopted structure plan. The structure plan includes a chapter setting out the main policies guiding development, called the "General Development Strategy", and chapters relating to areas and topics, including "Waste Management".

A3.6 The proposals & policies of local plans

Local plans contain a written statement of policies and proposals and a map showing any proposals for development and the areas affected by the policies.

Proposals identify: specific developments which the planning authorities intend to take place in a specified location or area during the period of the plan, such as the siting of a recycling centre; and locations where developments of a more general kind (eg a range of waste management developments) may be permitted. For the reasons explained in chapter 2, this plan does not contain proposals.

Policies apply to the whole or a large part of the plan area. They explain: the planning authorities' attitude to certain types of development, such as a prohibition on the construction of incinerators without energy recovery; and how the authorities will assess a range of factors affecting planning applications, such as the need to protect areas of special landscape.

A3.7 Need

Chapters 2, 5 and 6 discuss the question of the "need" for waste development in Derbyshire. Helpful descriptions of "need" occur in chapter 3, before the main policy (W1b) and in box W1b.

A3.8 Acceptable cost

"Acceptable cost" is a term used in the definition of best practicable environmental option (q.v.). It relates to the word "practicable". The twelfth report of the Royal Commission on Environmental Pollution (Feb 1988), which defines best practicable environmental option, does not define "acceptable cost" with precision. It says that "costs" include those met by the public purse and the revenue and capital costs borne by the operator and that:

"the use of the term "practicable" implies that the option must be in accordance with current technical knowledge and must not have disproportionate financial implications. The best practicable option will not necessarily be the cheapest." (paragraph 2.6).

The report also states that the *determination of acceptable cost* should take account of damage to the environment and that financial considerations should not be overriding (paragraph 2.19).

A3.9 Communities and local communities

The terms "community" and "local community" in this plan refer to any number of people who are or who reasonably consider that they are directly affected by a development proposal.

A3.10 Cumulative impact

This term is explained in chapter 3. A standard dictionary definition of "cumulative" may imply multiple but concurrent impacts. The local plan definition includes an effect which may arise from a community having to endure the impacts of successive developments.

A3.11 Decision-maker

In Waste Strategy 2000, the government uses the term "decision-maker" to refer to anyone who makes decisions about the production or management of waste. In this plan, the term is used in that sense when it refers to the guidance in Waste Strategy 2000. Elsewhere in the plan, particularly in the boxes attached to each policy, the word "decision-maker" means anyone who is making a decision on a planning application (that will usually be, in the first instance, the waste planning authority and perhaps subsequently a planning inspector or the Secretary of State).

A3.12 Contaminated land

The Environmental Protection Act, 1990, (ss 78A-78YC, as amended by The Environment Act, 1995) defines contaminated land as land which is in such a condition that significant harm is being caused or there is a significant possibility of such harm being caused or there is likely to be water pollution. For land to be "contaminated land" for the purposes of the Act, the harm or pollution must affect specified "receptors", such as human beings, ecological systems, protected sites (such as listed buildings), sensitive property (such as crops or animals on land) or specified types of water body or supply.

A3.13 Bio-aerosols

It is strange to think that the traditional composting process may be harmful but it can cause respiratory diseases such as “farmer’s lung”. Composting produces a range of airborne micro-organisms which, in high concentrations, can lead to the diseases. Those organisms are known as “bio-aerosols”. Careful siting and design of the compost operation can reduce to safe levels the concentrations affecting people.

A3.14 Permitted development

Some categories of development have planning permission automatically granted (“deemed”) for them by virtue of the Town and Country Planning (Permitted Development) Order, 1995. A well-known example is the building of small extensions to one’s home. The order also grants permitted development rights to many of the activities of the providers of infrastructure such as water and roads.

A3.15 Planning obligation

The Town and Country Planning Act, 1990, s. 106, enables the making of legal agreements between applicants for planning permission and local planning authorities, in order to restrict or regulate the development of the land or to make sure that certain actions are taken or safeguards are put in place. By virtue of an amendment to s.106, made in The Planning and Compensation Act 1991, such agreements are called “planning obligations”. Obligations may be offered by the applicant but are usually required by the local planning authority, in order to ensure that something which must be done to justify a grant of permission will be done. (The authorities may agree planning obligations with anyone who has an interest in the land).

A3.16 General industry

General industry is industry which should not be sited near homes. Those industrial areas and industrial estates which are near homes should take only “business” development. The Town and Country Planning (Use Classes) Order, 1987 (as amended) (“The Order”), defines business use as “use for ... office ... research and development ... or for any industrial process ... which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.” The Order says that any industrial process which does not fit that definition is “general industry”.

A3.17 Greenhouse gases

Greenhouse gases in the atmosphere are transparent to incoming solar radiation but they absorb infrared heat emitted from the Earth. They prevent the infrared heat from escaping beyond the atmosphere into space and re-radiate some back towards the Earth’s surface. Greenhouse gases include carbon dioxide, methane, ozone, CFCs and nitrous oxide. A linked, but different effect of CFCs is that they are also responsible, through chemical reaction, for destroying ozone at a higher level of the atmosphere (the stratosphere), creating and enlarging the ozone hole and thus allowing greater ingress of ultraviolet radiation from the Sun.

Appendix B A METHODOLOGY FOR ASSESSING THE NEED FOR MORE LANDFILL SPACE

SECTION ONE: THE METHODOLOGY

Introduction

B1.1 The methodology provides a means of assessing whether or not there is a need for landfill space at any particular time during the plan period. First, it considers the amount of controlled waste which needs to be sent to landfill. Then, it looks at the available landfill space. Finally, it considers whether there is sufficient landfill space to accept the amount of waste.

B1.2 The structure of this methodology allows estimates of landfill requirements for any time period and any targets that need to be achieved.

B1.3 Some of the assumptions in this appendix, relating to waste production and the recovery of value from waste, arise from the Derby and Derbyshire Waste Planning Strategy (chapter 2 of this local plan); they are considered to have a degree of permanence at least until the plan is reviewed. Other assumptions may need to be reviewed in the light of information available at the time the methodology is applied.

B1.4 Although the plan area of the waste local plan does not include the Peak District National Park, it is necessary to have regard for the quantities of waste that are likely to be generated in the Derbyshire part of the national park (see paragraph 2.43).

B1.5 The types of waste the methodology covers are
Household
Municipal
Commercial and Industrial
Inert and Construction and Demolition

B1.6 The above waste types are collectively known as controlled wastes, and all require a Waste Management Licence for treatment, transfer and disposal. The methodology considers each of these waste types in turn, highlighting the method adopted to estimate annual waste arisings and the impact of achieving the European Union's and the government's national and local targets.

B1.7 The methodology does not cover hazardous wastes. Paragraphs 2.54 and 5.10 of this waste local plan discuss the effects of the changes in classification of hazardous waste. No landfill sites in Derbyshire are licensed to receive only hazardous waste. Some hazardous wastes at present are permitted to some sites around Derbyshire. However, during the period up to

2009, the co-disposal of hazardous and non-hazardous wastes in existing sites will be phased out and, from July 2002, co-disposal is no longer permitted in new sites. Operators will have to apply for new disposal licenses of a single waste type (i.e. hazardous, inert or non-hazardous). In some cases, they may apply to divide a site into separate sections to be separately licensed for hazardous and non-hazardous waste. The appendix B methodology is not directly applicable to the landfill needs of hazardous waste because of the wide variety and specialist nature of the management needs of the wide variety of hazardous wastes.

Municipal & household waste arisings

Household Waste Arisings

B2.1 The methodology assumes that Derbyshire will experience no growth in individual household waste arisings. This accords with the government's commitment to reducing the growth of waste (see paragraph 2.44 & 2.50-51). However, growth will be experienced owing to predicted growths in population and numbers of households. During the preparation of the plan, population figures from Census 2001 have started to become available; but household figures have yet to be published. In the application of the methodology, it is desirable to use the data that is most reliable, accurate and up-to-date at the time of application. Therefore, sections B19 & B20 of this appendix, which apply the methodology to the current situation, use the census data on population growth.

B2.2 The average annual percentage population change between 1991 and 2001 for each district applies to the relevant district's household waste arising every year during the plan period. This process begins with base data from the waste collection authorities for the year 2000/1. Included in the arisings (based upon Best Value indicator returns) are waste collection rounds (including collections for recyclable material); street cleansing and litter collections; bulky waste collections; hazardous household waste collections; garden waste collections; bring site; any other household waste collected by the authorities; and civic amenity site waste. (Household waste arisings do not include rubble).

Municipal Waste Arisings

B3.1 It is assumed by Waste Strategy 2000 (part 2; para. 2.15) that municipal waste arisings are made up of approximately 90% household waste and the remaining 10% derives from other sources, including municipal parks and small businesses whose waste is collected by the waste collection authority. Municipal waste excludes rubble. Furthermore, it is assumed that 62% of municipal waste is biodegradable (Audit Commission, 1997).

B3.2 To obtain municipal waste arisings by sub-area, district household waste arisings are increased by 11.1%; the methodology then aggregates the district municipal waste totals to form sub-area totals.

Meeting the Targets for municipal and household waste

B4.1 The waste planning strategy (see paragraphs 2.44 & 2.55) is concerned with achieving the Landfill Directive targets, the two sets of national targets for recovery and recycling, and the recycling or composting targets aimed at the district level. These are currently:

Landfill Directive

By 2010 to reduce biodegradable municipal waste landfilled to 75% of that produced in 1995.

By 2013 to reduce biodegradable municipal waste landfilled to 50% of that produced in 1995.

By 2015 to reduce biodegradable municipal waste landfilled to 35% of that produced in 1995.

National

By 2005 to recover value from at least 40% of municipal waste

By 2010 to recover value from at least 45% of municipal waste

By 2015 to recover value from at least 67% of municipal waste

And, district and national

By 2004 to recycle or compost $\chi\%$ of household waste

By 2006 to recycle or compost $\chi\%$ of household waste

By 2010 to recycle or compost 30% of household waste

By 2015 to recycle or compost 33% of household waste.

NOTE 1 - χ denotes the specific target to be attained by each authority (including the county), taken from Guidance on Municipal Waste Management Strategies (GMWMS) (DTLR, March 2001). The methodology needs to take account of the local authority targets, as they will influence the amount of household waste sent to landfill.

B4.2 The achievement of all the above targets is inter-linked. For example, it is assumed that 62% of municipal waste is biodegradable and household waste makes up 90% of municipal waste. Furthermore according to Waste Strategy 2000, the recovery of value from waste could be achieved through recycling, composting, other forms of material recovery and energy recovery.

B4.3 The recovery of value from municipal waste and the recycling or composting of household waste targets are considered separately from the diversion of biodegradable municipal waste from landfill target. The first two targets consider the recovery of value from waste in terms of annual percentages, whereas the latter target is concerned with specific amounts of material that need to be diverted from landfill.

Treatment of Household Waste

B5.1 GMWMS (annex B) states the recycling or composting totals of the constituent WCAs should be included in the WDA's recycling or composting amount. This means the WCA's recycling or composting amounts (not including Derby) can be aggregated to the county's recycling or composting rates. This does not mean however, that WCA targets should be attained first; both are of equal importance.

Treatment of Municipal Waste

B6.1 Section B20 of this appendix, which applies the methodology to the current situation, uses 2000/1 data re the treatment of municipal waste; recovery of municipal waste in that year comprised recycling and composting of household waste only. (Future applications of the methodology might use later base dates, when the data might include other forms of municipal waste recovery. They should use the most reliable data available.) Since the 2000/1 recycling and composting rates relate to household waste, the assumed municipal recovery rate is balanced appropriately by taking the recycled or composted amount for 2000/1 as a proportion of the municipal waste arisings for that year (both inclusive of Derby).

B6.2 The methodology assumes that, during the time leading up to the government's national target dates, the percentage of municipal waste requiring treatment increases steadily to meet the targets.

B6.3 The definition of recovery of value in Waste Strategy 2000 (paragraph 2.36) implies that the targets for household recycling or composting are partly subsumed in the "recovery of value" target. Therefore, part of the recovery target is achieved by recycling or composting household waste. This is represented diagrammatically below.

M u n i c i p a l W a s t e A r i s i n g s		
Landfilled - inclusive of Bio-degradable element	R e c o v e r y o f v a l u e	
		Recycling or composting

Treatment of Biodegradable Municipal Waste

B7.1 The emphasis of the biodegradable municipal waste targets is upon the amount that can be sent to landfill. These targets contrast with the other household or municipal waste targets that focus upon the amount that should be recycled or composted or otherwise recovered, i.e. diverted from landfill. During the time leading up to the target dates, the methodology assumes that the annual percentage of biodegradable municipal waste that can be landfilled decreases steadily to meet the targets. It counts those annual amounts towards the total quantity requiring landfill.

Landfilling of remaining Household and Municipal Waste

B8.1 In addition to the biodegradable waste which is to be landfilled, there will be untreated, non-biodegradable household and municipal waste remaining after achievement of the recycling element of the targets. The methodology assumes that that waste will be landfilled and counts that amount towards the total "non-hazardous" quantity requiring landfill.

Industrial & commercial waste

Meeting the targets for industrial and commercial waste

B9.1 The government (Waste Strategy 2000, part 1, para 2.32) identifies the following target for industrial and commercial waste:

By 2005, the amount of industrial and commercial waste sent to landfill should be no more than 85 % of that landfilled in 1998.

B9.2 It is a target based on “fill”, rather than on “arisings”. Therefore, the methodology assumes that the amount of industrial and commercial waste deposited annually at each licensed landfill site around the county represents the amount of industrial and commercial waste deposited annually in each sub-area. The methodology also assumes that the government’s 2005 landfill target will be achieved.

B9.3 During the time leading up to the target date, the methodology assumes that the annual percentage of industrial and commercial waste that can be landfilled decreases steadily to meet the target. After 2005, the annual amount remains constant. The methodology counts those annual amounts towards the total quantity requiring landfill.

B9.4 For the purpose of predicting the amount and type of industrial and commercial waste going to landfill, the methodology assumes that the target would apply to both inert and non-hazardous wastes and that the inert element would be 7% of the total (based on an assessment of Derby’s and Derbyshire’s 1998/9 arisings in SWMA 2000, page 15, table 2.4, which is the best indicator of inert and non-inert proportions of industrial and commercial waste). If, in reality, the balance that achieves the target is shown to be different or more unpredictable, the application of the methodology should be adjusted accordingly.

B9.5 The methodology assumes that progress towards the target would be achieved by a steady increase in waste being diverted from landfill (although, in practice, progress may be more uneven). New targets may be introduced after 2005 but at this stage we are unable to estimate what, if any, these may be, so the 85% figure has been retained. Future applications of the methodology should use the most up-to-date and reliable information available at the time.

Inert, Construction and Demolition (ICD) Waste

B10.1 There are no targets applying directly to the landfilling of “inert and construction and demolition (ICD) waste”. For the purpose of assessing the landfill needs, the methodology takes the quantities of ICD waste currently deposited at the licensed landfill sites around the county as representative of the annual amounts to be deposited in each sub-area. (From the information available to the waste planning authorities, it is not possible to identify quantitatively the sources of the ICD that arises in the county or is deposited

in Derbyshire's landfill sites.) The methodology assumes that the amount of ICD to be landfilled will remain constant, although in fact the figure may actually decrease because most ICD is recyclable or otherwise recoverable.

Landfill capacity in Derbyshire

B11.1 Having established the quantities of waste that must be landfilled, the methodology looks at the available void space, to establish whether there is sufficient void space to accept the amount of waste. The methodology estimates the life spans of the voids by comparing the total annual amount of waste destined for landfill (see above) with the void space available and, from this, to estimate when the voids will be full.

B11.2 The void spaces include licensed landfill sites and other identifiable sites that may realistically be available to accept deposits during the plan period, such as sites which already have planning permission for landfill and minerals sites where there is a high degree of probability of restoration by landfill during the plan period.

Landfill sites with planning permission and a waste management licence

B12.1 Having planning permission is a pre-requisite of an application for a waste management licence. The latter is granted by the Environment Agency, which produces a list of licensed sites and provides information about their capacities. The Environment Agency's estimates of landfill site capacities take into account an amount of inert material accepted onto each site for engineering purposes. The Agency (SWMA 2000, page 40, fig 4.2) typically estimates this amount to be 40% of total void capacity, thus leaving 60% to accept material classed as waste.

Sites with planning permission but no waste management licence

B13.1 The waste planning authorities keep records of planning permissions for landfill operations. There will always be some sites which have permission but, for various reasons, do not yet have a licence. There will also be sites with permission that are exempt from licence requirements, though, because of the terms of the exemption provisions, such sites are generally small.

B13.2 These sites should not necessarily be included in calculations using this methodology. However, the likelihood of their coming on stream should be taken account of. Sites should be excluded if, although they may have potential, they are actually unlikely to be brought into operation.

The restoration of sand and gravel sites primarily in the SE sub-area

B14.1 For reasons outlined in chapter 5 of this plan, there is a high probability that there will be a need for large quantities of inert waste to restore sand and gravel extraction sites in the Trent Valley, in the south-east sub-area.

B14.2 The methodology assumes that the annual extraction rate of the sand and gravel represents the annual amount of void space that requires restoration until the end of the plan period. This figure does not include overburden, top or sub-soil, as these are usually kept on site from the extraction process and re-used on-site. The dense composition of sand and gravel means that one cubic metre equals approximately 1.9 tonnes.

B14.3 At present, the supply of inert fill to the Trent Valley sites is outstripped by the demand. It is difficult to predict the extent to which the supply will increase. The methodology assumes that the supply will be increased by the diversion of inert fill from other sites in the south-east sub-area.

B14.4 It contains two scenarios, each of which suggests what might happen to inert fill during the plan period. The scenarios are:

1. The current rate of fill for Trent Valley sites will continue for the entire plan period.
2. All of the SE sub-area's inert waste will be diverted to the Trent Valley sites, leaving more capacity for non-hazardous waste in other sub-area landfill sites.

B14.5 Neither scenario would provide sufficient supply of inert fill to satisfy the demand for inert waste to reinstate these sites; additional supplies might come from adjoining counties but those supplies would not be directly relevant to the methodology.

Landfill sites not in Derbyshire but in close proximity

B15.1 The current application of the methodology, in section B28 below, includes only non-hazardous landfill sites which are in Derby and Derbyshire or have geographical relationships with the Derbyshire sub-areas and are within 20 km of the county's border (although in some cases Derbyshire's non-hazardous waste is currently transported greater distances). Although it is necessary to consider sites outside the county, it has not been possible in the current application of the methodology to assign specific quantities of Derbyshire's waste to those sites.

Other considerations

Open-gate non-hazardous and inert landfill capacity

B16.1 The methodology compares the need for landfill space with the amount of space available and thus identifies whether there is a need for new non-hazardous landfill capacity to accept locally generated waste.

B16.2 The methodology acknowledges that non-hazardous and inert waste can be landfilled at non-hazardous sites. Inert waste can also be accepted at landfills taking non-biodegradable waste and landfills taking other wastes.

The potential of unlicensed sites

B17.1 When considering landfill sites to take Derbyshire's waste that are either not yet operational (for whatever reason) or are outside the plan area, it must be remembered that potential usage of these sites depends upon their being licensed by the Environment Agency and contractual agreements between site operators and WCAs.

SECTION TWO: APPLYING THE METHODOLOGY TO ASSESS WHETHER THERE IS A NEED FOR NEW LANDFILL DEVELOPMENT

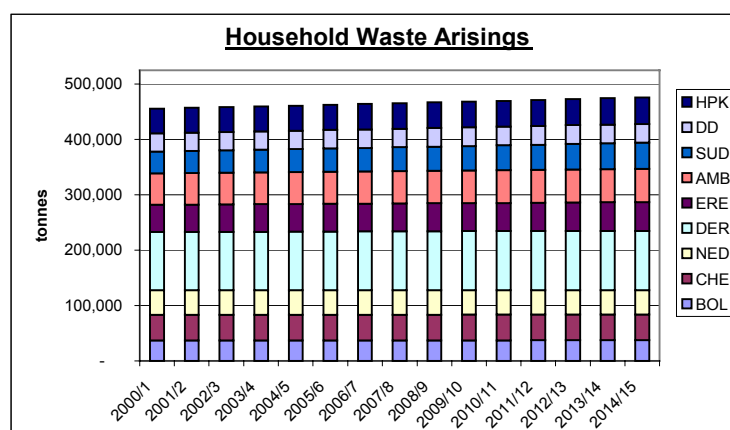
B18.1 This section of appendix B assesses the need for landfill space at a particular point in time by applying the assumptions and principles of the methodology as detailed above. This section is based on the Technical Working Paper, "Forecasting Derbyshire's Landfill Needs" (available from the City and County Councils), which applies the methodology using the best and most up-to-date data and other information that are currently available.

Derbyshire's Household Waste Arisings

(Applying paragraphs B2.1-2.2)

B19.1 Figure 1 shows the household waste arisings for Derbyshire from 2001 to 2015 by sub-area. (The figures include waste (except rubble) delivered by the general public to civic amenity (CA) sites. There are currently CA sites in Amber Valley, Chesterfield, Erewash, High Peak, South Derbyshire and Derby City. Figure 1 allocates the CA waste to the appropriate district totals, except in the case of Stonegravels in Chesterfield. Due to the central location of Stonegravels in the NE sub-area, it apportions the CA site's waste according to the population of each district of the NE sub-area.)

Figure 1. Household Waste Arisings.



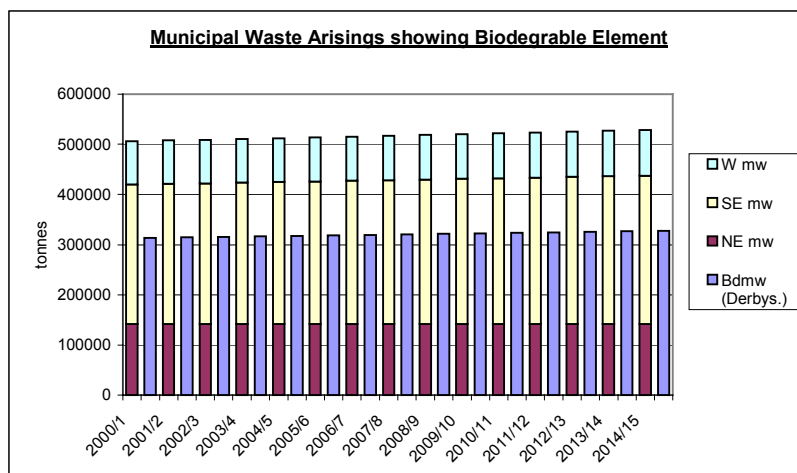
[Based on figures supplied by City and County WDAs for Best Value purposes]

Forecasting Derbyshire's Municipal Waste Arisings

(Applying paragraphs B3.1-3.2)

B20.1 Figure 2 shows the predicted municipal waste arisings from 2001 to the end of the plan period.

Municipal waste arisings showing biodegradable element. Figure 2

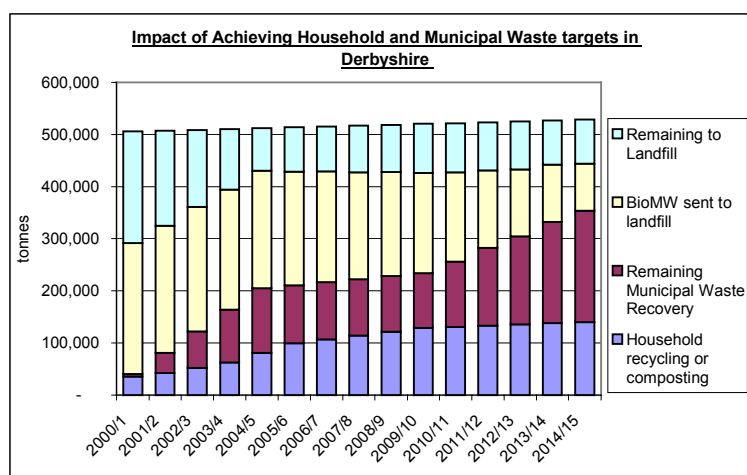


Meeting the Targets for Household and Municipal Waste

(Applying paragraphs B4.1-8.1)

B21.1 Figure 3 illustrates the amounts of wastes "recovered" and the amounts disposed of to landfill, assuming that targets are met. Each bar represents the total municipal waste arising (in tonnes) and how it will be treated for that year. The calculation assumes that the maximum amount of biodegradable municipal waste allowed by the targets will be sent to landfill (in figure 3, the next to top category). That which is not landfilled is included (in figure 3) in the two bottom categories, which also include non-biodegradable waste. The top category, "remaining to landfill", represents all the non-biodegradable waste which does not have to be recycled, composted or "recovered" to meet the targets.

Impact of achieving household and municipal waste targets in Derbyshire. Figure 3



Derbyshire's Industrial and Commercial Future Waste Deposits

B22.1 Figure 4 identifies the amount of inert and non-hazardous industrial and commercial waste deposited in Derbyshire in 1998 by sub-area.

Industrial and commercial waste landfilled in Derbyshire in 1998/99 (tonnes). Figure 4

	Inert	Non-hazardous	Total
NE	10,639	141,345	151,984
SE	14,934	198,410	213,344
W	7,467	99,205	106,672
Total	33,040	438,960	472,000

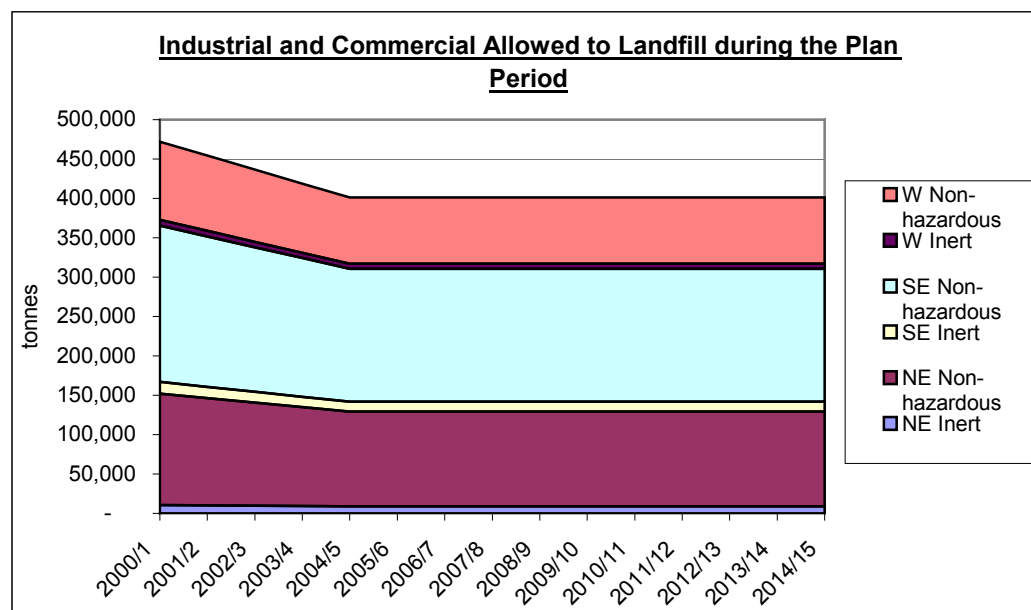
[Environment Agency, 2002]

Meeting the Diversion Target for Industrial and Commercial Waste

(Applying paragraphs B9.1-9.5)

B23.1 The government's targets state that by 2005 the amount of industrial and commercial waste going to landfill should be no more than 85% of that landfilled in 1998. Figure 5 assumes that progress towards the target will be achieved by a steady increase in waste being diverted from landfill.

Industrial and commercial waste allowed to landfill during the plan period. Figure 5



Forecasting Derbyshire's Inert and Construction & Demolition Waste (ICD)

(Applying paragraph B10.1)

B24.1 The Environment Agency, through its annual monitoring exercises, states that in 2000/1 around 620,000 tonnes of ICD was landfilled in Derbyshire. Chapter 6 of the Derbyshire Waste Management Strategy (1999) indicates that the amount of ICD sent to landfill is unlikely to increase and

there are no European or government targets for recovery of ICD. Figure 6 assumes that the annual amount of waste to be deposited in each sub-area until the end of the plan period will be at the same level as in 2000/1.

Annual inert and construction & demolition waste going to landfill in Derbyshire (tonnes).

Figure 6

NE	SE	W	Derbyshire
81,596	397,202	141,805	620,603

[Environment Agency, 2002]

Landfill capacity

(Applying paragraphs B11.1-15.1)

Landfill sites with planning permission and a waste management licence

(Applying paragraph B11.1-11.2 & 12.1)

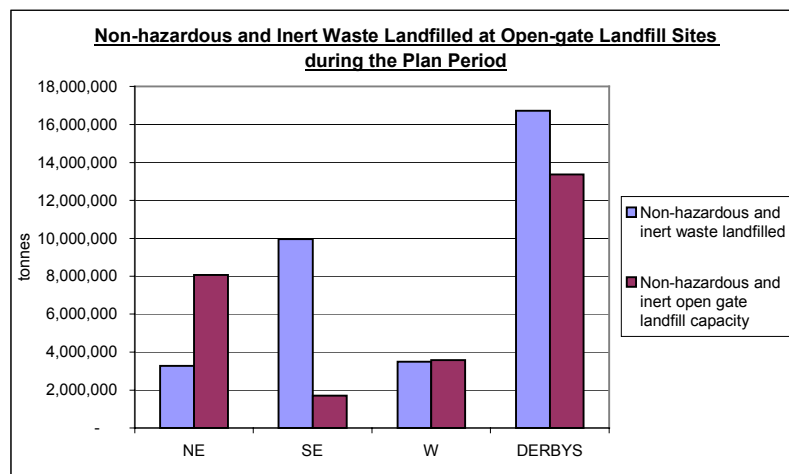
B25.1 At April 2001 there was 13,360,874 m³ of licensed open-gate ^[A2.12] void space remaining in Derbyshire for non-hazardous and inert waste (Environment Agency, 2002). Closed-gate sites had a capacity of 7,205,397 m³. Therefore, Derbyshire had a combined, licensed landfill capacity of 20,566,271 m³. The density of waste varies according to its type and characteristics and at different stages in its treatment. This appendix assumes an average density after landfill, engineering works and settlement of one tonne per cubic metre.

B25.2 Restricted user landfill sites are those which have a licence to take waste only from a single firm. There was over 7 million m³ of closed-gate void space remaining in Derbyshire at April 2001, sufficient to distort the assessments of remaining capacity for all of Derbyshire's waste. Although they are important, they are omitted from the following figures and, to balance their omission, their annual waste input is omitted, so far as possible.

B25.3 Figure 7 shows the amount of non-hazardous and inert waste to be landfilled, compared with the total amount of open-gate, licensed landfill capacity that can accept such wastes. Non-hazardous and inert waste can be accepted at landfill sites that have a combined capacity of 13,360,874 m³.

Figure 7

Non-hazardous and inert waste landfilled at open-gate landfill sites during the plan period.



B25.4 Figure 7 shows that, at this stage of the methodology, the SE sub-area experiences a theoretical shortfall in licensed landfill capacity for non-hazardous waste. However for inert waste there is enough capacity, as such wastes can go to both non-hazardous and inert landfill sites. The NE sub-area is seen to have sufficient landfill capacity for the plan period with a surplus of around 4.7 million cubic metres, whereas the W sub-area is predicted to just have enough capacity. The county as a whole has a shortfall of such capacity by 2010/11, with a deficit of around 3.3 million m³ by 2015.

Landfill sites that have planning permission but no waste management licence

(Applying paragraphs B11.1-11.2 & B13.1-13.2)

B26.1 Currently, there are three sites in Derbyshire, with a total of over 2.4 million m³ of open gate landfill capacity, that already have planning permission but have yet to receive a waste management licence from the Environment Agency. The three sites are all located in the NE sub-area and have permission to accept non-hazardous waste.

B26.2 Assuming that the sites received licences, the NE sub-area would have in excess of 10.3 million m³ of non-hazardous landfill capacity. The plan area would have a deficit of just over 964,000 tonnes. This indicates that the plan area would experience a shortfall in 2013/4, rather than 2011/2.

The restoration of sand and gravel sites primarily in the SE sub-area

(Applying paragraphs B11.1-11.2 & B14.1-14.4)

B27.1 The effects of policies of the Derby and Derbyshire Minerals Local Plan, recent trends, and emerging government guidance indicate that the production of sand and gravel in Derbyshire is likely to be maintained at

approximately 1.9 million tonnes per annum until 2016. Therefore, the amount of void space, throughout the plan period, is likely to be about 1,000,000 m³ per annum (due to the dense composition of sand & gravel). In reality, the amount of void space may fluctuate from year to year as permissions become active.

B27.2 The total inert landfill capacity of existing voids in the Derbyshire Trent Valley was 1,463,760 m³ in 2000/1. The SE sub-area landfilled 211,664 m³ of inert/construction and demolition and the inert element of industrial and commercial waste, of which 196,222 m³ was landfilled at the Trent Valley sites. Scenario 1, applying a continuation of the current rates of inert fill in landfill sites in the south-east, would make little difference to the annual inputs of wastes in the sub-area. However, scenario 2, diverting, during the plan period, all of the SE sub-area's inert landfill to the Trent Valley sites, would leave a small additional, annual capacity for non-hazardous waste in the other sites in the sub-area.

Landfill Sites in Close Proximity to Derbyshire

(Applying paragraphs B11.1-11.2 & B15.1)

B28.1 Derbyshire has borders with the following authorities: Barnsley, Cheshire, Kirklees, Leicestershire, Nottinghamshire, Rochdale, Rotherham, Sheffield, Staffordshire, Stockport, and Tameside. Chapter 5 of the plan discusses the potential cross-boundary movement of waste. Figure 8 lists sites which are within 20 km of the county's border.

Licensed landfill sites within 20 km of Derbyshire with capacity at 31/3/01. Figure 8

Adjoining Authority	NE sub-area	SE sub-area	W sub-area
Barnsley	-	NA	NA
Cheshire	NA	NA	Gawsworth
Kirklees	-	NA	NA
Leicestershire	NA	NA	NA
Nottinghamshire	Sutton, Carlton Forest, Daneshill	Burntstump, Dorket Head	NA
Oldham	NA	NA	Meek Street, High Moor,
Rochdale	NA	NA	-
Rotherham	Swallownest, Meadowhall	NA	NA
Sheffield	Parkwood	NA	NA
Staffordshire	NA	Wilnecote	Marchington
Stockport	NA	NA	Tenement Lane
Tameside	NA	NA	-
Approx. capacity m³	10,000,000	5,250,000	500,000+

[Environment Agency, 2002]

B28.2 Figure 8 suggests that the apparent landfill capacity shortfall identified in figure 7, above, in the SE sub-area is being and could in the future be

satisfied by the use of licensed sites within 20 km of the SE sub-area borders. Excluded from the above list are three additional sites which are likely to take waste from Derby and Derbyshire: the Moira site on the Derbyshire/Leicestershire border (expected to begin operations in late 2003, with a capacity of roughly 3.1 million m³ and an annual input of 240,000 tonnes); the site at Thurgroft in Rotherham MB (expected to become operational in 2004 with an estimated capacity of 4,000,000 m³); and the Bentsinck site in Nottinghamshire (expected to come on-line later in the plan period with a predicted capacity of 4,000,000m³).

Reaching a Conclusion

B29.1 Analysis of the results of applying the methodology, applied as above or as applicable at the time of a planning application for new landfill development, will indicate whether there is a need for the proposed new landfill space.

B29.2 In the circumstances set out above, the south-east sub-area appears to be the only sub-area where there might be a need for a site within Derby and Derbyshire. However, the assessment suggests that the need will be present only if the potential sites (those not yet operating) described in paragraphs 25.1 onwards do not become available. The actual availability of those sites would have to be reviewed at the time that the methodology was being applied to the assessment of a planning application.

Appendix C GOVERNMENT TARGETS

This appendix summarises the targets set out in the Landfill Directive, Waste Strategy 2000 and the Local Government (Best Value) Performance etc Order 2001 (SI 2001/724) as set out in Guidance on Municipal Waste Strategies (March 2001).

TABLE 1 LANDFILL

(Landfill means final disposal of waste to the land, usually into a disused quarry or other void, but it may include land raising.)

By July 2001, separate landfill sites for hazardous, non-hazardous and inert wastes (*Landfill Directive*). For existing sites, implementation of this target in the UK started in July 2002, with gradual implementation depending on site classifications and other factors, up to 2009.

By July 2001, no landfill of liquid waste, infectious clinical waste or certain other hazardous waste (*Landfill Directive*). In the UK, this target was achieved by July 2002.

By July 2003, no landfill of whole, used tyres (*Landfill Directive*).

By 2005 to reduce the amount of industrial and commercial waste landfilled to 85% of that landfilled in 1998 (*Waste Strategy 2000, para 2.32*).

By July 2006, no landfill of shredded, used tyres (*Landfill Directive*).

By 2010 to reduce biodegradable municipal waste landfilled to 75% of that produced in 1995 (*Landfill Directive*).

By 2013 to reduce biodegradable municipal waste landfilled to 50% of that produced in 1995 (*Landfill Directive*).

By 2020 to reduce biodegradable municipal waste landfilled to 35% of that produced in 1995 (*Landfill Directive*).

TABLE 2 RECOVERY OF VALUE

(“Recovery of value” means obtaining value from waste through recycling, composting, other forms of material recovery or energy recovery.)

By 2005, nationally, to recover value from 40% of municipal waste (*Waste Strategy 2000, para 2.35*).

By 2005, nationally, to recycle or compost 25% of household waste (*Waste Strategy 2000, para 2.38*).

By April 2006, locally, to recycle or compost household waste as follows (*The Local Government (Best Value) Performance etc Order 2001 (SI 2001/724)*):

Derbyshire, 18%; Derby City, 33%; Amber Valley, 18%; Bolsover, 18%;
Chesterfield, 24%; Derbyshire Dales, 27%; Erewash, 30%; High Peak,
18%; North East Derbyshire, 18%; South Derbyshire, 21%.

By 2010, nationally, to recover value from 45% of municipal waste (*Waste Strategy 2000, para 2.35*).

By 2010, nationally, to recycle or compost 30% of household waste (*Waste Strategy 2000, para 2.38*).

By 2015, nationally, to recover value from 67% of municipal waste (*Waste Strategy 2000, para 2.35*).

By 2015, nationally, to recycle or compost 33% of household waste (*Waste Strategy 2000, para 2.38*).

Appendix D WASTE MANAGEMENT SITES IN THE PLAN AREA

This list of sites is taken from the Environment Agency's annual monitoring exercise for 2000/01.

Metals Recycling Sites

- | | |
|------------------------|---|
| 1. G T Deaton | Milton Place, Netherthorpe, Staveley S43 3PZ. |
| 2. M Hill | Newbridge Lane, Old Whittington, Chesterfield S41 9HY. |
| 3. Albert Looms Ltd | Megaloughton Lane, Spondon, Derbyshire, DE7 7ND. |
| 4. Webster Bros | Hallam Fields Road, Ilkeston, Derbyshire, DE7 4BC. |
| 5. Jennings | Station Road, Mousley Bottom, New Mills, High Peak, SK22 3JA. |
| 6. White & Dobson | Old Pit Lane, Danesmoor, Clay Cross, Derbyshire, S45 9BQ. |
| 7. Kirkvaley Ltd | Pool Street, Church Gresley, Swadlincote, Derbyshire, DE11 8EE |
| 8. Sims Metal UK | New Birchwood, Somercotes, Derbyshire, DE55 4NH. |
| 9. Sims Metal UK | PO Box 21, Mansfield Road, Derby, Derbyshire, DE21 4BL. |
| 10. Hemlock Haulage | Griffin Road, Quarry Hill Ind Est, Ilkeston, Derbyshire, DE7 4DA. |
| 11. D T Metals | Furnace Yard, Park Hall Road, Denby, Derbyshire, DE5 8ND. |
| 12. Bernhard Metals | Litchurch Lane, Derby, DE24 8AA. |
| 13. Howard Adrian | Bobin Mill, Tansley, Matlock, Derbyshire DE4 5FP. |
| 14. Zinda Ltd | Belfield Street, Ilkeston, Derbyshire, DE7 8DU. |
| 15. Gardners Scrap Ltd | Station Yard, Doveholes, Buxton, SK17 8DH. |
| 16. Williams Eric | Harpur Industrial Estate, Harpur Hill, Buxton, SK17 9JL. |
| 17. Norwood Metals | Norwood Industrial Estate, Ellisons Road, Killamarsh, S31 8UD. |
| 18. J W Thompson | Plot 20, Bridge Street, Clay Cross, Derbyshire. |
| 19. J W Thompson | 5 Mile Hill, Mansfield Road, Hasland, Chesterfield, S41 0JN |
| 20. Donald Ward Ltd | Moir Road, Woodville, Swadlincote, DE11 8DG |
| 21. J Bramwell & Son | Woodland View, Lane Head, Tideswell, Buxton SK17 8DH |
| 22. H B Walker & Son | Netherthorpe Lane, Killamarsh, Sheffield |

Transfer Stations

- | | |
|-------------------------|--|
| 1. Wastenotts Ltd | Loscoe Civic Amenity Site, Taylor Road, Loscoe, Derby. |
| 2. Derbyshire Waste | Cotes Park Industrial Estate, Cotes Park Lane, Alfreton, DE55 5NJ. |
| 3. Deta UK Ltd | Gryphon Works, Hockley Way, Alfreton Trading Estate, DE55 7EG. |
| 4. Safety-Kleen Ltd | Chequers Lane, West Meadows, Derby, DE21 6AW. |
| 5. Analytical Supplies | Duffield Road, Little Eaton, DE21 5DR. |
| 6. Bridge Waste | 66 Main Road, Pye Bridge, Alfreton, DE55 4NY. |
| 7. [None] | |
| 8. Derbyshire Waste | Waste Transfer Station, Raynesway Park Drive, Derby, DE12 7BA |
| 9. Sims Metal UK | PO Box 21, Mansfield Road, Derby, Derbyshire, DE21 4BL. |
| 10. Onyx Leigh Env'al | 969 London Road, Alvaston, Derby, DE2 8PX. |
| 11. A E Hibbs & Sons | Unit 9 Downing Road, West Meadows I E, Derby, DE21 6HA. |
| 12. Linston Industrial | Ryder Point Processing, Hopton Works, Wirksworth, Derbyshire |
| 13. Derbyshire Waste | Melandra Street Transfer Station, Glossop. |
| 14. Beeson Waste | Waterside Grange, Waterside, Hadfield, Glossop, SK13 1BS |
| 15. Corbuild Skip Hire | Waterswallows, Fairfield, Buxton, Sk17 7JB. |
| 16. Walls | 24 Main Road, Shirland, Alfreton, DE55 6BB. |
| 17. Donald Ward Ltd | Moir Road, Woodville, Swadlincote, DE11 8DG. |
| 18. Nationwide Tyre R'g | Unit 10, Doveside, Melbourne Common, Melbourne, DE73 1DH. |
| 19. Peak Waste | The Alamo, Wood Lane, Kniveton, Ashbourne, DE6 1JF. |
| 20. Supa Skips | Aston Lane, Chellaston, Derby, DE7 1TT. |
| 21. G F Tomlinson | Coleman Street, Derby, DE24 8NU. |
| 22. Derby Roadstone | Celanese Road, Spondon, Derby, DE21 7BR. |
| 23. McLoughlin Pipel's | Longbridge Lane, Ascot Drive Ind Est, Derby, DE24 8ST. |
| 24. Derby City Council | Commercial Services, 839 London Road, Alvaston, Derby. |
| 25. J Banks Reclam'n | Station Lane, Old Whittington, Chesterfield. |

- | | |
|------------------------|--|
| 26. S & R Troth | Henry Street, Whittington Moor, Chesterfield. |
| 27. D A Nuttall | Endcliffe, Ashford Road, Bakewell, Derbyshire. |
| 28. Kirkvale Ltd | Pool Street, Church Gresley, Swadlincote DE11 8EE. |
| 29. Clarence Contr'ors | Thompson Street, Whittington Moor, Chesterfield. |

Household Waste Recycling Centres

- | | |
|---------------------|--|
| 1. Derbyshire Waste | Raynesway CA Site, Raynesway Park Drive, Derby, DE12 7BA. |
| 2. Wastenotts Ltd | Loscoe Civic Amenity Site, Taylor Road, Loscoe. |
| 3. Wastenotts Ltd | Ilkeston Civic Amenity Site, Manners Avenue, Derbyshire. |
| 4. Derbyshire Waste | Melandra Street Civic Amenity Site, Glossop. |
| 5. Derbyshire Waste | Stonegravels CA Site, Red House, Stonegravels, Chesterfield. |
| 6. Derbyshire Waste | Bretby Civic Amenity Site, Main Street, Newhall, Derbyshire. |

Treatment Facilities

- | | |
|-----------------------|---|
| 1. Hopkinson Reclam'n | Slitting Mill, Eckington Road, Staveley, Chesterfield. |
| 2. Sonneborn & Rieck | Holmewood Industrial Estate, Chesterfield. |
| 3. Magfern Mini Waste | Unit 9, Downing Road, West Meadows Ind Est. Derby, DE21 6HA. |
| 4. Transcycle Ltd | 201 Slack Lane, Derby, DE22 3EE. |
| 5. Netherwater Plant | Netherwater Farm, Hazell Bridge, Tideswell, Buxton, SK17 8RR. |
| 6. S T S Synergy | Ascot Drive, Derby. |
| 7. Kenal Services | Crompton Road, Ilkeston, Derbyshire, DE7 4BG. |

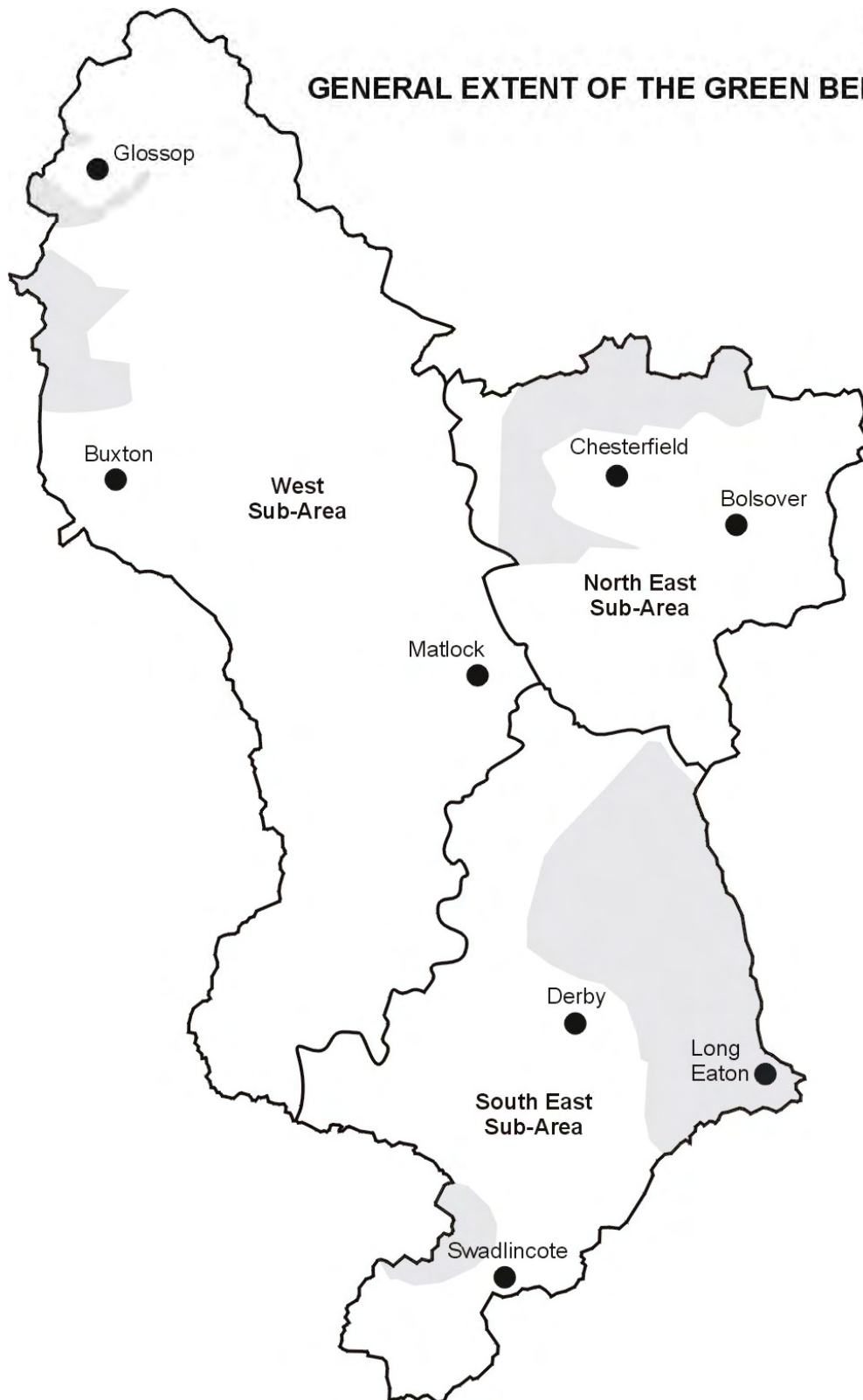
Landfill Sites

- | | |
|-------------------------|--|
| 1. Viridor | Erin Landfill Site, Markham La, Duckmanton, Chesterfield S44 5HS |
| 2. Derbyshire Waste | Hall Lane, Staveley, Chesterfield. |
| 3. Lafarge Redlands | Chaddesden Sidings, Chequers Road, Derby. |
| 4. Biffa Waste Services | Elvaston Quarry, Bellington Hill, Shardlow. |
| 5. Global Environ'al | Bretby Tip, Main Street, Newhall, Swadlincote. |
| 6. Lafarge Redlands | Twyford Road, Barrow-on-Trent, Derby. |
| 7. Slinter Mining | Cromford, Matlock. |
| 8. Slinter Mining | Tearsall Farm, Bonsall, Matlock. |
| 9. Park Pit Landfill | Arden Quarry, Oven Hill Road, Birch Vale. |
| 10. G F T Derby Ltd | Hilton Lodge, Borrow Pit, Derby Road, Hilton. |
| 11. Rolls Royce Plc | Hilts Quarry, Crich, Matlock, Derbyshire. |
| 12. Derbyshire Waste | Calton Hill, Taddington, Derbyshire. |
| 13. Q D F Components | Coxbench Road, Horsley, Derby. |
| 14. Acordis Acetate | Megaloughton Lane, Derby. |
| 15. High Peak Skip Hire | White Rake, Tideswell Moor, Tideswell, Derbyshire. |
| 16. Sarp UK Ltd | Lumshill Quarry, Chesterfield Road, Matlock, Derbyshire. |
| 17. William Lee Ltd | Callywhite Lane, Dronfield, Derbyshire. |
| 18. Walker Minerals | Outland Head Quarry, Bradwell, Derbyshire. |
| 19. Dennis Brown | Moor Farm, Moor Lane, Winster, near Matlock, Derbyshire. |
| 20. Hopkinson Recl'n | Slitting Mill, Eckington Road, Staveley, Chesterfield. |
| 21. Nal Plant Ltd | Hazelmere Road, Creswell, Derbyshire. |
| 22. Butterly Building | Whiteley Road, Ripley, Derbyshire. |
| 23. Renishaw Prop'ties | Renishaw Foundry, Sheffield Road, Renishaw, Derbyshire. |
| 24. Saint Gobain | Staveley Works, Staveley, Derbyshire. |
| 25. Biwater Industries | Brassington Lane, Clay Cross, Derbyshire. |
| 26. D S F Refractories | Friden, Hartington, Buxton, Derbyshire. |
| 27. Saint Gobain | Grove Farm Tip, Lowes Lane, Stanton by Dale, Ilkeston, Derbyshire. |
| 28. Blue Circle | Hope Works, Hope, S40 2RP. |

Derbyshire in the Regional Context

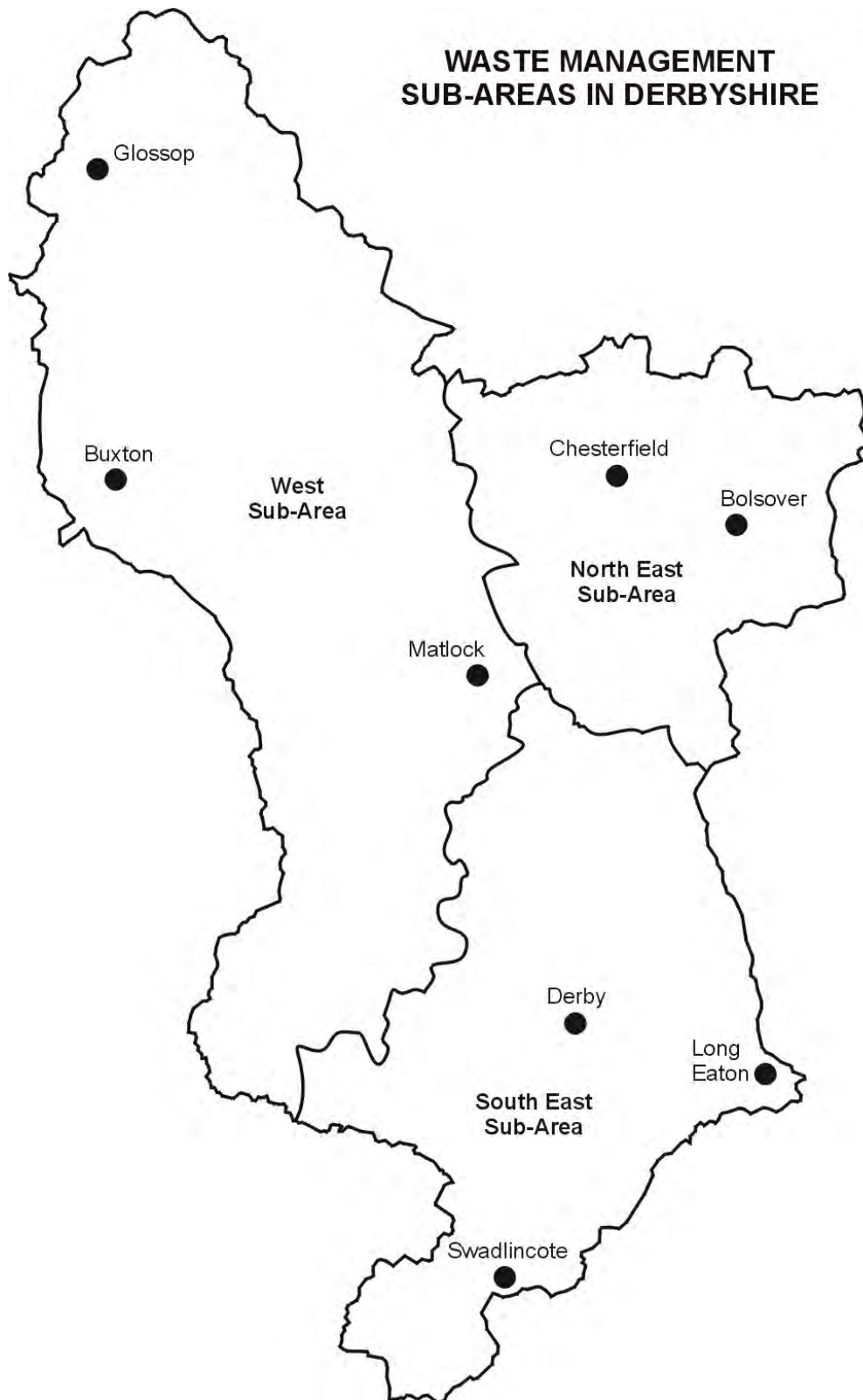


GENERAL EXTENT OF THE GREEN BELT



Map C

WASTE MANAGEMENT SUB-AREAS IN DERBYSHIRE



**THE POLICIES IN THE PLAN
APPLY TO THE ENTIRE PLAN
AREA .**

