

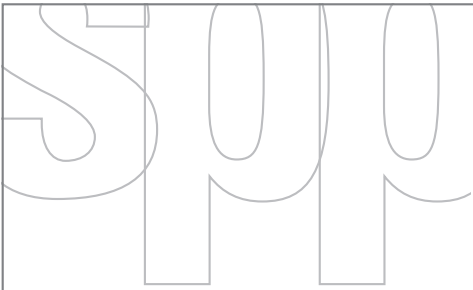


SCOTTISH EXECUTIVE
Development Department

Scottish Planning Policy
SPP 10

Planning for Waste
Management:
Consultation Draft

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PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example, the West Edinburgh Planning Framework, have the same status in decision-making as SPPs.

The National Planning Framework sets out the strategy for Scotland's long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programmes of the Scottish Executive, public agencies and local government.

Important note: in the interests of brevity and conciseness, Scottish Planning Policies do not repeat policy across thematic boundaries. Each SPP takes account of the general policy in SPP1 and highlights the other SPPs where links to other related policy will be found. The whole series of SPPs should be taken as an integral policy suite and read together.

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SCOTTISH EXECUTIVE

Development Department
Planning Division

Area 2-H
Victoria Quay
Edinburgh EH6 6QQ

Telephone: 0131-244 7525

Fax: 0131-244 7555

Graham.marchbank@scotland.gsi.gov.uk

<http://www.scotland.gov.uk>

Your ref:

Our ref: qA21282

14 August 2006

Dear Consultee,

CONSULTATION ON DRAFT SCOTTISH PLANNING POLICY (SPP) 10: PLANNING FOR WASTE MANAGEMENT

I enclose a copy of consultative draft revised planning policies on waste management and invite your comments on this document. When finalised, the SPP will replace NPPG 10: Planning and Waste Management.

Responding to this consultation paper

Comments should be sent, **before 6 November 2006**, to: SPP10@scotland.gsi.gov.uk or in writing to:

Sandra Carey
Scottish Executive Development Department
Planning Division
2-H, Victoria Quay
Edinburgh EH6 6QQ

Comments on any aspect of the policy are welcome. To aid our analysis of responses, we would be grateful if you could clearly indicate, where relevant, the paragraphs to which your comments relate. This consultation, and all other Scottish Executive consultation exercises, can be viewed online on the consultation pages of the Scottish Executive website at www.scotland.gov.uk/consultations. Further copies of the document are available by telephoning (0131) 244 7543. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

The Scottish Executive now has an email alert system for consultations. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces Scottish Executive distribution lists, and is designed to allow stakeholders to keep up to date with all Scottish Executive consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. You can register at [SEconsult: http://www.scotland.gov.uk/consultations/seconsult.aspx](http://www.scotland.gov.uk/consultations/seconsult.aspx).

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. **Please complete and return the Respondent Information Form enclosed with this consultation paper as this will ensure that we treat your response appropriately.** If you ask for your response not to be published we will regard it as confidential and we will treat it accordingly.

All respondents should be aware that the Scottish Executive are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, their responses will be made available in the Scottish Executive Library within 20 working days of the closing date and on the [Scottish Executive consultation](#) web pages by 15 December 2006. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can arrange to view responses by contacting the Scottish Executive Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the contents of the finalised policy. We aim to issue a report on this consultation process early in 2007. This will be published on the Executive's website at www.scotland.gov.uk/Topics/Planning/About/Consultations

Questions, Comments and complaints

If you have any questions, comments or complaints including those relating to the conduct of this consultation exercise, please send them to me at:

John McNairney
Scottish Executive Development Department
Planning Division
2-H, Victoria Quay
Edinburgh EH6 6QQ

Yours faithfully,



GRAHAM MARCHBANK

THE SCOTTISH EXECUTIVE CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Executive working methods. Given the wide-ranging areas of work of the Scottish Executive, there are many varied types of consultation. However, in general, Scottish Executive consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Executive encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Executive consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Executive website enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Executive library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Executive consultation papers and related publications (e.g., analysis of response reports) can be accessed at www.scotland.gov.uk/consultations. The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

STOP

RESPONDENT INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name:

Postal Address:

Consultation title: DRAFT SPP 10 : PLANNING FOR WASTE MANAGEMENT

1. Are you responding as: (please tick one box)
 - (a) an individual? (go to 2a/b)
 - (b) **on behalf of** a group or organisation? (go to 2c)

- 2a. **INDIVIDUALS:** Do you agree to your response being made available to the public (in SE library and/or on SE website)?
 - Yes (go to 2b below)?
 - No, not at all?

- 2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)
 - Yes, make my response, name and address all available
 - Yes, make my response available, but not my name or address
 - Yes, make my response and name available, but not my address

- 2c. **ON BEHALF OF GROUPS OR ORGANISATIONS:**

Your name and address as a respondent **will be** made available to the public (in the SE library and/or on SE website). Are you content for your response to be made available also?

 - Yes
 - No

3. We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future for consultation or research purposes?
 - Yes
 - No

STOP

SUMMARY

The Scottish Ministers are committed to improving Scotland's waste management record. Policy on waste management is driven by a range of initiatives and EC Directives including targets and standards set out in the National Waste Plan. The challenge for planning is to identify locations for the required installations – crucial to Scotland's prosperity and environmental record. This should be achieved through the development plan process, underpinned by Strategic Environmental Assessment.

To date, a number of planning authorities have failed to take account of the need for waste management infrastructure in their local plans. There is now a need for a better fit between development plans and Area Waste Plans to secure shared Ministerial objectives and to reflect SEPA's policy role in waste management. Improvement will be pursued by an annual programme of local plan review – required in co-operation with the UK Government by the EC.

A sustainable approach to waste management planning relies on a number of objectives including those reflected in the waste hierarchy, reduced reliance on landfill and a set of policy and spatial principles including the polluter pays and the proximity principle (which address waste management, waste transport, environmental and employment issues and cumulative impact). Supporting economic development while safeguarding communities and fostering environmental stewardship is an important policy objective set out in the National Planning Framework (NPF).

Planning reform aims to support the provision of infrastructure through better performance in development planning and management while placing communities and environmental justice at the heart of decision making. Community interests are paramount in the development planning process. Reforms are intended to strengthen public participation and community engagement and provide an enhanced enforcement regime.

This SPP supports a planned approach to the identification of sites for installations using a range of technologies. Focusing on industrial land, the SPP promotes a model policy for planning authorities to adopt in their development plans. Landfill will continue to be required and should continue to be safeguarded by development plans. Development management decisions should reflect development plan and National Waste Plan policies supported by other guidance referenced in the SPP including SEPA's guidance on thermal treatment of municipal waste.

Following a Partnership Agreement commitment, the SPP requires planning authorities to encourage the provision for waste separation and kerbside collection of recyclable material in consideration of proposals for new housing. The inclusion of waste handling in new domestic developments will also be supported by new Building Standards while waste reduction at demolition and construction sites through protocols and site management should be supported.

The industry relies upon the planning system to accommodate the necessary infrastructure to support the Executive's policies. Scottish Ministers will monitor progress to ensure that policies in this SPP are implemented in development plans and in development management.

STOP

POLICY CONTEXT

1. This draft Scottish Planning Policy (SPP) is the Executive's *proposed* policy on land use planning for waste management. When finalised it will replace *NPPG 10: Planning and Waste Management*. The purpose of the SPP is to provide guidance to planning authorities on their role in helping to further the National Waste Plan's objectives in relation to sustainable waste management; to help achieve compliance with environmental legislation on waste management and to ensure compliance with EC Directives. This SPP does not cover infrastructure that may be required for the storage and treatment of radioactive waste.
2. The Scottish Ministers are committed to improving Scotland's waste management record. Policy on waste management is driven by a range of initiatives and EC Directives including new targets and improved standards set out in the National Waste Plan.¹ The preferred options in the waste hierarchy² are to prevent, reuse and recycle or otherwise recover value from waste before disposal. To help meet some of our domestic and EU targets, the Scottish Executive's Strategic Waste Fund supports local authorities' efforts to reduce municipal waste, to recycle and compost waste and to divert waste away from landfill. Despite efforts to reduce waste however, it is clear that new waste management installations will still be needed to meet statutory requirements set out in the Waste Management Licensing Regulations 1994, by the Landfill Directive targets and the Landfill (Scotland) Regulations 2003. The challenge for planning is to identify locations for the required installations – crucial to Scotland's prosperity and environmental record. This will be achieved through the development plan process, underpinned by Strategic Environmental Assessment.

PLANNING WHITE PAPER AND THE PLANNING BILL

3. The Executive is modernising Scotland's planning system, in response to its 2003 Partnership Agreement commitment to improve the planning system, strengthen involvement of communities, speed up decisions, reflect local views better and allow quicker investment decisions. Proposals for modernisation reinforce the primacy of development plans so that development takes place in the context of a long-term and inclusive vision for the future. Effective development planning should provide a framework which makes positive provision for sustainable development in a way that takes account of the relationship between economic, social and environmental priorities. The Executive's White Paper on planning reform: *Modernising the Planning System (2005)* recognised the importance of waste management facilities and that they could be considered national or major developments.³ Planning reform aims to address the difficulties faced in delivering infrastructure through improved performance in development planning and management, while providing open accountable decisions that reflect community interests. Support for a development proposal by the Strategic Waste Fund will not automatically signal that the proposal is of national or major significance. Separately, research into the scope of permitted development rights is currently

1 Available at www.sepa.org.uk/nws/guidance/nwp.htm

2 A full description of the waste hierarchy is given on pages 18-19 of the National Waste Plan.

3 See *Modernising the Planning System*, sections 4.1, 4.2, 5.1.1 and 5.1.2

underway and will consider a range of developments including those associated with the waste sector.

4. The European and Scottish policy context for effective waste management planning for new infrastructure is set out in the table annexed to this SPP. Implementation and outcomes described in the last column of the table are specified elsewhere in the SPP or require action by planning authorities.

WASTE INFRASTRUCTURE

5. The new generation of installations needed to manage waste is much broader than that necessary to support the established tradition of collection and final disposal of mixed waste to landfill. Community infrastructure such as bottle and paper banks is already well established raising relatively minor if any planning issues. Separation at source leads to waste streams suitable for a wide range of treatment methods designed to capture value from the resource. A range of technologies such as sorting, mechanical/biological treatment or gasification underlies some treatment options. The Waste Technology Data Centre⁴ provides facts on waste treatment technologies. New installations typically house industrial processes in enclosed buildings suitable to a broad range of sites and reference should be made to paragraphs 23-31 of this SPP and to *Planning for Waste Management Facilities* (ODPM, 2004).⁵ Composting, transfer stations, materials recycling facilities and thermal treatment plant represent the principal options to meet future needs. With operational control regulated by SEPA, development planning issues focus on aspects such as visual impact, location and transport. An increase in the numbers, range and types of installation will be required to manage waste arisings to 2020. New and larger landfills on a more dispersed pattern will continue to be required as a management option for residual wastes from which no further recyclables, products or energy can be recovered.

SEPA'S PLANNING ROLE

6. SEPA performs waste planning and regulatory functions and is also a statutory consultee on development proposals. SEPA currently comments informally on development plans and powers proposed in the Planning Bill could lead to them being designated as a key agency with a statutory duty to engage in the preparation of development plans. Although SEPA's statutory role is independent of Scottish Ministers in structure plan approval and local plan adoption, SEPA and the Executive share common objectives through the National Waste Plan. Draft development plans should take account of the National Waste Plan and Area Waste Plans in order to expedite processing by SEPA and the Executive.
7. The purpose of statutory consultation with SEPA on waste development proposals is to indicate whether development is likely *to be capable of* being consented in the context of National Waste Plan and Area Waste Plan objectives. To avoid overlap with planning conditions, SEPA will, when consulted, offer advice on matters relevant to planning and those reserved for licensing.

⁴ see Environment Agency website at www.environment-agency.gov.uk/wtd/

⁵ Planning for Waste Management Facilities – also available at www.odpm.gov.uk/embedded_object.asp?id=1145713

SUSTAINABLE WASTE MANAGEMENT

8. Efforts to reduce, reuse, recycle, compost and recover waste to meet the Landfill Directive targets are succeeding but are offset by an increase in municipal waste arisings of about 2% every year, reflecting the European trend that waste is keeping pace with rather than falling behind economic growth rates. Sustainable development in waste management turns on several principles. Paramount is the waste hierarchy, favouring prevention over reuse, recycling, recovery then disposal, guiding choices about waste management options. The polluter-pays principle applies to business waste producers who must take responsibility for the cost of collecting and disposing of their waste. The UK Government's Landfill Tax is another way in which the polluter pays principle is applied.
9. A development strategy should guide development to the most sustainable locations.⁶ Coordinating the needs of economic development while safeguarding communities and fostering environmental stewardship is an important policy objective set out in the National Planning Framework (*NPF*), *SPP 1: The Planning System and SPP 2: Economic Development*. In waste management, land use decisions will depend on the features of the proposed technology or the waste stream. The process of strategic environmental assessment (SEA) will apply to development plans; Area Waste Plans have undergone Best Practicable Environmental Option assessments and Area Waste Plan reviews will also be subject to SEA. EIA will apply to certain development proposals; all those processes ensuring that environmental effects are considered.

WASTE MANAGEMENT, HEALTH AND THE ENVIRONMENT

10. The independent 'Review of Environmental and Health Effects of Waste Management' published by DEFRA⁷ so far indicates that the treatment of municipal solid waste has at most a minor effect on health in this country particularly when compared with other health risks associated with day to day living. Modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Where concerns about health are raised, planning authorities should ensure, through their consultations and in avoiding duplication with the provisions of other legislative regimes, that they consider only the locational implications of any advice. EIA will in many cases also consider potential health impacts.

WASTE MANAGEMENT AND THE PROXIMITY PRINCIPLE

11. Additionally, to accord with the proximity principle and in line with *SPP 17: Planning for Transport*, waste should be transported to nearby facilities and preferably by modes other than by road. As far as possible this principle will apply at Area Waste Plan level. The proximity principle is outlined in paragraph 2.1.2 of the National Waste Plan. Environmental justice aims to address the cumulative effects of developments with negative environmental impacts, notably landfill.

⁶ By 'sustainable location' this SPP means locations close to the source of waste arisings, well linked to transport networks, supporting green jobs strategies and taking advantage where possible of industrial land
⁷ www.defra.gov.uk/environment/waste/research/health/pdf/health-report.pdf

However, many new well regulated waste installations will have significantly lower impacts and in line with *SPP 2: Economic Development*, the use of brownfield sites can support social and environmental justice, by helping to stimulate enterprise in or close to disadvantaged areas. This is consistent with the Scottish Sustainable Development Strategy (SSDS) and supports green jobs within the waste management industry. The Framework for Economic Development in Scotland⁸ (FEDS) also covers economic sustainability. Development plans that have already been subject to SEA should contain allocations of employment or industrial land well suited to a range of waste management installations. For landfill, proximity may not be the overriding principle given the trend towards a pattern of fewer but larger sites emerges. Larger landfills may have more than local importance and planning authorities should consider the justification on need provided by the applicant in the context of the relevant Area Waste Plan.

WORKING WITH COMMUNITIES

12. Modern waste infrastructure is designed and regulated to high standards and can be regarded as similar to other industrial processes. Where major waste management infrastructure is proposed close to communities, it can be regarded as an unwelcome environmental intrusion and nuisance. It is therefore crucial to provide information that can be interpreted sufficiently well to allow full participation in decisions that will affect quality of life. When preparing development plans, the Executive expects planning authorities to identify community sensitivity and look to overcome it by working closely with communities to shape policy and in allocating land uses. Bill proposals for development plan schemes include statements on the publicity and consultation measures taken during the preparation of the plan. The adequacy of consultation measures will be considered by inquiry reporters as part of the examination of the development plan on behalf of Scottish Ministers.
13. Planning reform aimed at strengthening public participation brings with it new expectations for the processing and implementation of applications. In order to build consensus early, applicants will be expected or required to undertake pre-application consultation with local communities and submit a report of consultation alongside the planning application before it is registered. The Planning Bill includes powers that would allow a planning authority to decline to register an application where a developer has not engaged adequately. Reports of consultation are considered to be appropriate for major developments; proposals that require an Environmental Impact Assessment; and proposals defined as large scale "Bad Neighbour" development which is a significant departure from the development plan. Developers and communities can then consider issues and where necessary give the developer an opportunity to alter proposals to alleviate

⁸ Available at www.scotland.gov.uk/library5/government/bafeds-08.asp

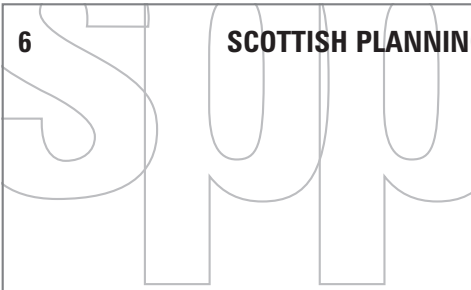
The Framework seeks to raise quality of life through increasing the economic opportunities for all on a socially and environmentally sustainable basis.

concerns. The extent to which consultation is sufficient will be assessed by the planning authority and if appropriate the Scottish Executive Inquiry Reporters Unit. Pre-determination hearings will be required for the above categories of developments.

14. For the largest installations, a community liaison or an advisory panel can be established to promote mutual understanding and to ensure that concerns are addressed properly and quickly. These may be specified in planning conditions. Good neighbour agreements (GNAs) are intended to be voluntary and may have a role where they offer communities increased involvement with the way in which sites operate. These form part of a range of proposals for enhanced monitoring and enforcement of developments and to strengthen the involvement of communities in developments that affect them.
15. Benefits in the form of new community facilities or community trust funds offered by developers or sought by planning authorities should only be treated as material considerations in planning applications if they meet the tests set out in Circular 12/1996 on planning agreements. Other than in the case of landfill, such facilities or funds will generally be regarded as an excessive burden to an industry capable of locating on industrial sites where other operators or tenants are free from such costs and where installations can meet or exceed environmental emissions standards.

PROXIMITY TO SETTLEMENTS

16. Waste should be handled as close as possible to source. It follows that towns and cities will be the best locations for new waste transfer, separation and handling installations. Appropriate sites should be identified through the development plan process. Existing waste handling installations should be protected by development plan policy and care should be taken to ensure that future allocations for other uses nearby do not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.
17. The case for consideration of a buffer zone between sensitive receptors and operations may arise at outdoor composting sites where 250 metres may be sufficient; less if mitigated for example by spray curtains. However buffer zones arise predominantly in connection with landfill sites which may bear the characteristics of mineral operations which may have preceded them. This SPP specifies no set distance. Cumulative impacts from landfill sites are considered at paragraphs 43-44.



DEVELOPMENT PLANS AND WASTE MANAGEMENT

18. Development plan preparation takes place within the context of a range of factors including sustainable development. This helps to ensure that policies and land allocations for waste management developments are properly considered against other potential options. To secure a structured approach to sustainable development, SEA is used in development planning and the Best Practicable Environmental Option is used for Area Waste Plans although Area Waste Plan reviews will be subject to SEA. The social and economic dimensions of sustainable development, equally important to developing an integrated network of waste installations, should also be reflected in development plans.
19. *SPP1: The Planning System* refers to Area Waste Plans as examples of material considerations. As Area Waste Plans are not land use documents, it is important that development plans provide for the spatial dimension of the 2013 Area Waste Plan capacity requirements shown by the National Planning Framework. Infrastructure identified in Area Waste Plan reviews will also require to be accommodated by development plans in line with the principle that the need is already established as set out in row 6 of the Table at the end of this SPP. Additionally, the locational dimension of infrastructure over and above Area Waste Plan requirements should be recognised in development plans.
20. Under the present two-tier development planning system, structure plans should consider general proposals for the development and use of land for waste management installations and local plans should define the precise locations and factors against which applications will be determined. Not all development plans have provided an adequate policy framework for waste management. Accordingly, Scottish Ministers wish to ensure that across Scotland, current and future development plans are consistent with the need to record improvements in the annual EU reporting programme described in row 1 of the Table. Local plans should meet the statutory requirements of the Waste Framework Directive where the report *Local Plans: Meeting Area Waste Plan Objectives* indicates that there is a need.
21. The Planning Bill proposes that, in future, local development plans will establish both the general proposals and detailed locations for the development of land, except in the four city regions, where strategic development plans will contain a vision statement and set out general proposals. Therefore, outside the main city regions, local development plans will be the vehicle to reflect waste infrastructure capacity requirements with the statutory development plan. In the city regions, waste policies will be set in context in the strategic development plans to reflect the fact that the city regions generate the largest volumes of waste. Planning authorities should refer to the Development Planning sections on Need, Areas of Search and Site Assessment in PAN 63 which still apply, with the following additional updates.

NEED

22. Area Waste Plans supported by their Best Practicable Environmental Option assessments, set out the capacities to be identified as future requirements in local plans, together with their justification. Additionally, planning authorities should when preparing plans or if faced with development proposals, refer to quarterly local authority returns on composting and recycling and SEPA's annual Waste Data Digest.⁹ These provide background for local plan policy-making and information on progress towards meeting statutory and Executive targets. SEPA are also taking steps to improve data collection on non-municipal waste. Potential duplication of installations across planning authority boundaries should be resolved by strategic outline cases as described in the footnote¹⁰ and Table row 8 in the annex). SEPA's work on other waste streams replaces the need for planning authorities to do further needs assessments and as statutory consultees SEPA can advise on this issue. It will be inappropriate for a local plan to require no waste management infrastructure.

AREAS OF SEARCH AND SITE ASSESSMENT

23. PAN 63 explained that identifying areas of search in structure plans and sites in local plans provides certainty but could be difficult to do without for example, environmental impact assessment. This is no longer the case as the SEA regime applies to plan-making. Through SEA, PAN 63 paragraph 21 provides authorities with a means of identifying sites.
24. Planning authorities should refer to *Planning for Waste Management Facilities*; circulated to all planning authorities in March 2005 which provides more detailed and up-to-date information on types of waste management facilities than the Site Assessment section of PAN 63. The significant land-use factors common to most waste management facilities are either operational impact or those associated with transport. However depending on the installation, noise, water resources, visual intrusion and the natural or historic environment may be sensitivities that need to be taken into account in local plans. Land stability is a further factor in considering landfill. Landfill gas plants and leachate plants cause comparatively few planning problems.
25. The broadest scope for a wide range of waste management installations will be provided by appropriately located industrial sites and land allocations, which should be identified by appropriate policies. Other sites may be capable of only a more limited range of installations where external factors apply more constraints. Planning authorities are required to advertise receipt of applications for waste water treatment works in the local press. Odour control may only be a planning issue during operational failure and in addition many new or improved facilities will have to be located on the coast where there are likely to be sensitive siting and

⁹ Waste Data Digest 5 can be read at www.sepa.org.uk/pdf/publications/wds/wdd_5.pdf Local authority returns on composting and recycling can be accessed at www.sepa.org.uk/nws/data/returns.htm

¹⁰ Local authorities are working together to provide strategic outline cases (SOCs) to the Scottish Executive on proposals for waste treatment infrastructure to complement their current recycling efforts. The SOC's were published on the Scottish Executive website on 4 May 2006 and can be accessed at www.scotland.gov.uk/Publications/Recent by entering that date.

design issues. Some but not all waste water treatment works will bear significant similarities to leachate treatment plants; the environmental impacts of which are described in *Planning for Waste Management Facilities*. The study also covers recycling centres described as small scale facilities. A Planning Advice Note on water and drainage is in preparation.

26. Planning authorities should make long term provision in development plans for the safeguarding of potential landfill sites, focusing on opportunities for restoration, brownfield, contaminated or despoiled land, having regard to Area Waste Plan revisions and the National Waste Plan. Composting is a typical 'front-end' operation co-located at many landfill sites. In principle, the co-location of waste management installations offering upstream collection and sorting and downstream distribution or manufacturing may also be suitable for larger sites in the industrial portfolio. Scottish Enterprise and Highlands & Islands Enterprise should be consulted as appropriate during the preparation of development plans to ensure that the waste policy and operational requirements of the business sector and consideration of land holdings and employment strategies are reflected fully.
27. The National Waste Plan proposed that the Executive would work with planning authorities and SEPA to identify model policies. Since then, research carried out into model policies,¹¹ *Planning for Waste Management Facilities* and practice in Wales have indicated that, broadly, employment and more specifically, industrial land will provide appropriate locations in development plans for waste management proposals excluding landfill and in some cases, large scale outdoor composting. **The wording of the model policy will be finalised in light of consultation responses.** Inclusion in an SPP enhances the status of the model policy, helping to achieve greater consistency and reduce unnecessary effort by local authorities in preparing development plan policies. Planning authorities are encouraged to integrate the model policy into development plans at the next available opportunity. This SPP supports the following approach for adoption in development plans.

MODEL POLICY

28. Allocations for waste management installations are appropriate generally on the existing or planned supply of employment and industrial land and specifically on:
 - Class 5 General Industrial land (where additional protection can be provided by Pollution Prevention and Control (PPC) and through more stringent controls over noise, vibration and hazardous substances);and in the case of waste transfer stations;
 - Class 6 Storage or Distribution land (where the distinction with Class 5 is on the basis of a higher level of lorry or van movements).

¹¹ See Conclusions and Next Steps report at www.scotland.gov.uk/Publications/2006/01/24141301/0

Circular 1/1998 explains The Town And Country Planning (Use Classes) (Scotland) Order 1997 and the scope for interchangeability between Classes and in addition,

- Class 4 Business land (which includes industry which is not in Class 5) for uses which in all respects could be carried out in a 'residential area'; (the term used as an indicator for a standard of environmental quality which is sensitive to a wide range of emissions).
29. Allocations for co-located installations may be more appropriate on Class 5 or 6 land if the elements with the potential for the greatest impact would not be appropriate on Class 4 land. **Comments from consultees are invited on this model policy.**
30. Greenfield sites promoted in development plans may provide locational advantages, for example accessibility to transport networks, overcoming potential community disturbance, or where economies of scale justify such locations.
31. Planning authorities should also have regard in their development plans and indicative forestry strategies to the potential implications of using sewage sludge in existing forests and in areas of new planting.

SUPPLEMENTARY PLANNING GUIDANCE (SPG)

32. Criteria for siting mini-recycling sites or the design and integration of waste management facilities in new residential or commercial developments are examples of topics that may be suited to non-statutory SPG provided it is signposted by and supports the statutory development plan. Spatial planning considerations should be set out in development plans and are not appropriate in SPG. Some Waste Strategy Area Groups have published or are reviewing proposals to work with planning authorities on SPG notably on design and waste minimisation. Public consultation on SPG should take place before authorities adopt it for development management purposes.

ASSESSING DEVELOPMENT PROPOSALS

33. All planning applications should be assessed against the development plan, where appropriate, this SPP and the National Waste Plan/Area Waste Plan family of policies. The footprint, layout, appearance, design and operational features of a waste management installation vary according to the technology. Environmental impacts do not however vary greatly and are limited in most cases to the factors described in paragraphs 23-31 and *Planning for Waste Management Facilities*. This SPP supports a wide range of waste management technologies. Even so, proven industrial processes may raise different planning issues. The following policies apply to the planning implications of specific waste streams or installations.

THERMAL TREATMENT AND ENERGY FROM WASTE

34. The National Waste Plan indicates that thermal treatment could handle up to 14% of municipal waste by 2020 offering the prospect of treating waste that cannot be recycled while recovering its energy, which can be used in district heating, in industrial processes or to generate electricity. SEPA's guidelines on thermal treatment of municipal waste¹² should be used by planning authorities in developing policies, allocating sites, or assessing development proposals.
35. Thermal treatment plants processing urban waste are more likely to meet the objectives of sustainable development when they are located close to sources of waste to reduce the need for transportation. The benefits of combined heat and power from thermal treatment may be captured if plant is located close to energy grids or potential users that they may in future serve. Sites should be identified in development plans. In rural areas farmland or forests may determine the best locations for thermal treatment plants designed for biomass. *PAN 45: Renewable Energy Technologies* – gives appropriate advice on siting and design. *PAN 45 Annex A: Planning for Micro Renewables* also covers biomass.
36. All energy from waste plants should comply with the Waste Incineration (Scotland) Regulations 2003, which implements the Waste Incineration Directive. These new regulations ensure a higher level of technical compliance under Pollution Prevention and Control (PPC). The planning implications of new energy from waste plant will therefore normally be restricted to land use and locational factors.

LANDFILL

37. The provisions of paragraph 26 and the following policy apply to disposal by landfill after all other options to reduce, reuse, recycle and recover energy from waste have been tested.
38. Waste reduction and recycling are reducing the overall need for landfill but demand for landfill capacity still exists. The National Waste Plan indicated that by 2020 around 30% of municipal waste would still be landfilled. The physical characteristics and operational aspects of landfill sites in relation to their surroundings vary considerably. Well engineered and monitored landfill sites will continue to be one way of treating and disposing of waste and of recovering land while offering the potential to improve the appearance of land and in some cases to bring land back into productive use. Waste materials with the potential to generate leachate (e.g. biodegradable waste) are subject to the controls of the Landfill (Scotland) Regulations 2003. The Executive supports the principle of energy recovery from existing landfill – and *Planning for Waste Management Facilities* offers advice on the locational aspects of landfill gas plant.

¹² www.sepa.org.uk/pdf/guidance/air/thermal_treatment_guidance.pdf

LAND RAISING

39. Land raising on a previously undisturbed surface creates a new landform, rather than restoring excavated land to previous or near-original levels. It has a permanent effect on the landscape and may therefore be most suited to derelict or otherwise degraded sites as a means of rehabilitation. Otherwise, and especially in areas designated for their landscape qualities, it is unlikely to be acceptable unless there are no suitable alternatives. Structural landscaping and planting are likely to be essential components of land raising, together with the use of existing landscape features. Engineered land raising may in particular offer a more appropriate means of disposal if the alternative landfill sites have problems with leachate management and groundwater control. Depositing waste on a landfill site above the original surface level is also land raising but may be necessary to achieve required levels after settlement. There will seldom be cases where the need for improvements to agricultural land justifies land raising.

LANDFILL (SCOTLAND) REGULATIONS 2003

40. The Landfill Regulations ensure that high standards of operation and aftercare will apply to all landfills wherever sited. With certain exemptions for island or isolated landfills, the Regulations state that a planning permission may be granted for a landfill only if the following locational requirements have been taken into consideration.
- (a) the distances from the boundary of the site to residential and recreational areas, waterways, water bodies and other agricultural or urban sites;
 - (b) the existence of groundwater, coastal water or nature protection zones¹³ in the area;
 - (c) the geological or hydrogeological conditions in the area;
 - (d) the risk of flooding, subsidence, landslides or avalanches on the site; and
 - (e) the protection of the natural or cultural heritage in the area.
41. A landfill permit may be issued for the landfill only if the characteristics of the site with respect to the above requirements, or the corrective measures to be taken, indicate that the landfill does not pose a serious environmental risk. Most of the criteria are common to routine planning assessments but the Regulations place additional requirements upon planning authorities as it no longer falls to SEPA alone to consider criterion (b) groundwater impacts. Planning authorities must now take account of groundwater. Through consultation with SEPA, it is still important to avoid overlap between planning conditions and permits issued by SEPA.
42. The Landfill Allowance Scheme imposes limits on the amounts of biodegradable waste that local authorities can landfill but it is expected to affect infill rates rather than the principle of new planning consents.

¹³ "Nature protection zone" means land which has been notified under section 28 of the Wildlife and Countryside Act 1981 or a European site within the meaning of regulation 10(1) of the Conservation (Natural Habitats, &c.) Regulations 1994.

CUMULATIVE IMPACTS (LANDFILL)

43. Planning authorities should ensure that landfill proposals, or extensions to existing landfill sites, will not lead to a disproportionate burden of negative environmental impacts on nearby settlements or other sensitive receptors which may include landscape quality. This will be particularly important if there are already two or more operational, or consented, sites that could raise similar impacts within 5 km of any nearby settlement. Such sites will include other minerals sites and opencast coal sites. Where sites may be close to closure or are under remediation, the cumulation of impact may be lower in connection with new proposals.
44. In such circumstances, planning authorities should seek an assessment from the applicant of the likely cumulative impacts of additional landfills, if approved, on all settlements within a radius of 5km. of the site. This should include site design, likely further increases in road traffic, period and intensity of disturbance to settlements and the length of time and severity of landscape impact. Some landfills may be operated in association with composting, materials recycling or energy recovery which could reduce the environmental consequences of mixed landfill but give rise to additional physical impacts. Developers should demonstrate what measures will be taken to mitigate likely cumulative impacts. If adverse cumulative impacts cannot be mitigated adequately, permission should be refused. The period and phasing of working should be tightly controlled through planning conditions and monitored by the planning authority to ensure minimum disruption to local communities and the environment.

SEWAGE AND OTHER PROCESS SLUDGES

45. The spreading of sewage sludge on agricultural land is regulated by SEPA in accordance with the Sludge (Use in Agriculture) Regulations 1989 (as amended in 1990) complemented by a Code of Practice for Agricultural Use of Sewage Sludge 1996, which is currently being revised. Where sewage sludge is used solely for agricultural purposes, deposit is exempt from planning and licensing control. Spreading on non-agricultural land, including forestry sites (see paragraph 31), is – under the appropriate conditions – exempt from licensing under the 1994 Regulations (see Waste Management Licensing Amendment (Scotland) Regulations 2003 and 2004). Nevertheless the choice of sites should take account of other uses such as recreation, designated natural heritage areas, rights of way and surrounding development. On land requiring restoration and when granting planning permission for developments which will result in land subsequently requiring restoration (such as quarrying or opencast), conditions should apply to allow control of the use of sewage sludge. It should be noted that other waste such as paper mill sludges and compost can be applied to land provided licensing regulations are met.

WASTE MANAGEMENT PLANNING IN OTHER DEVELOPMENTS

46. Residential, commercial and industrial properties should be designed to provide for waste separation and collection which will improve resource management from the outset. This will avoid the later loss of landscaped public or open space or potential road space conflicts such as the need to site additional receptacles in

circulation areas. Design should be considered in the context of the planning consent and the Building (Scotland) Regulations 2004. The Scottish Building Standards Agency has recently published a Technical Handbook¹⁴ and for solid waste, section 3.25 should be referred to.

47. Scottish Ministers adopted a Partnership Agreement commitment to promote facilities for waste separation and for appropriate kerbside collection of recyclable materials in new housing developments. The Executive expects suitable provision to be included in development plan policies and to be considered as part of the development management process, particularly in relation to major residential developments. Further advice is given in PAN 63, paragraph 83.

DEVELOPMENT MANAGEMENT

48. The main changes to development management proposed in the Planning Bill are described in the associated policy memorandum.¹⁵ Provided that statutory bodies including SEPA and community councils have been consulted and pre-application consultation where necessary has taken place, the determination of a planning application should also focus on delivering infrastructure to meet agreed needs in strategic outline cases (which will be developed and supported by the Executive's strategic waste fund), Area Waste Plans and EU Landfill Directive targets. PAN 63's sections on Determining Planning Applications and Environmental Impact Assessment continue to provide up-to-date information to meet some of those policy objectives.

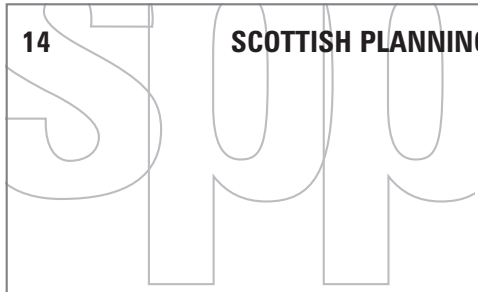
PLANNING CONDITIONS, LICENSING POWERS, MONITORING AND ENFORCEMENT

49. Scottish Ministers expect operators to fulfil the terms and obligations of their planning consents and related licences. Planning conditions and SEPA's licensing regimes are separate but complementary in that both are designed to protect the environment from the potential harm caused by development and operations. SEPA has powers to monitor, enforce and if necessary suspend or revoke licences. The dividing line between planning and licensing controls is not always clear cut although to avoid duplication, SEPA may when consulted recommend planning conditions to complement their waste management licences or pollution prevention and control permits. That helps to define matters relevant to licensing which may also be material planning considerations. Planning conditions should meet the specifications of Circular 4/1998 and its addendum.¹⁶ The use of bonds is described in PAN 63 paragraph 90. Planning authorities should take into account advice in *PAN 51: Planning, Environmental Protection and Regulation*. The planning system should therefore:
 - focus on whether the development itself is an acceptable use of the land rather than the control of the processes or waste streams involved;
 - regulate the location of the development and aspects of operations enforceable under planning control that will avoid or mitigate adverse effects on the use of land and on the environment; and

¹⁴ www.sbsa.gov.uk/current_standards/th_html/bsthd-67.htm

¹⁵ www.scottish.parliament.uk/business/bills/51-planning/b51s2-introd-pm.pdf

¹⁶ The Use of Conditions in Planning Permissions: Circular 4/1998 and its addendum on Model Planning Conditions



- secure decommissioning or restoration to a condition capable of an agreed after-use.
50. Monitoring the impact of development on the environment is well-established within the planning system. Conditions requiring environmental audits by operators may provide a basis for monitoring, with the content and frequency specified by the planning authority, proportionate to the nature of the site and its activities. Audit results allow for agreement to be reached on the need for any remediation to safeguard the environment. To complement current enforcement powers, Planning Bill proposals for start notices will enable planning authorities to monitor development more closely. Proposals for temporary stop notices should ensure that breaches are stopped immediately and that conditions are implemented. Proposals for enforcement charters are intended to increase awareness generally about related powers and responsibilities. Enforcement powers available to planning authorities are summarised in *SPP 1: The Planning System*, paragraphs 62-64 and are explained in *PAN 54: Planning Enforcement and Circular 4/1999*.

DESIGN

51. Waste operations are normally contained in industrial buildings. Those of a larger scale, with more than a local visual impact can make use of mass, shape, colour and materials to mark rather than hide their presence. There are several good examples across Europe. It is equally important that site layouts assist environmental management and that they are safe for the public where they have access. The Building Regulations' Technical Standards Part R cover storage of waste in domestic properties and PAN 63 encourages attention to the design of waste installations and other developments.

SITE WASTE MANAGEMENT PLANS

52. The efficient use of landfill can be supported through the use of Site Waste Management Plans (SWMPs).¹⁷ The purpose of the Site Waste Management Plan voluntary code of practice¹⁸ is to help resolve the shortage of landfill space and the declining number of waste management sites by minimising waste at source on construction sites through the accurate assessment of the use of materials and the potential for their re-use and recycling both on and off site. The Scottish Ministers consider that site waste management plans represent good practice and that proposed new developments with a project value of over £200,000 should be supported by site waste management plans. Planning authorities should consider requiring the preparation of site waste management plans as a condition of planning permission in order to manage waste on site. The Executive also supports emerging practice on demolition protocols which allow for the recycling of material in the construction industry.¹⁹

¹⁷ The DTI are considering the introduction in England of mandatory Site Waste Management Plans (SWMPs) as part of the Clean Neighbourhoods & Environment Act 2005.

¹⁸ Guidance for Construction Contractors and Clients on 'Site Waste Management Plans (SWMPs)', was published by the DTI in July 2004. See www.dti.gov.uk/construction/sustain/site_waste_management.pdf

¹⁹ See <http://icextra.ice.org.uk/tlml/demolition>

MONITORING AND IMPLEMENTATION

53. A partnership between local authorities (working across internal departmental boundaries between waste managers and planners), the public, industry and statutory consultees, such as SEPA, can raise awareness of sustainable waste management and change behaviours. This SPP places particular emphasis on a plan-led approach to waste management, community engagement, the importance of reaching statutory targets on time and the role planning authorities need to play to further the aim of sustainable waste management.
54. While waste management continues to challenge perceptions about environmental and community impact, they are not always based on fact. The industry is engaging with, not just consulting, communities bringing positive results in policy implementation and good neighbour relations. Good publicity about local facilities alerts people to the changes underway. A consolidated industry working to the public sector and handling private sector waste streams is emerging. The industry however relies upon the planning system to accommodate the necessary infrastructure to support the Executive's policies.
55. To monitor progress in successfully delivering on SPPs, the Executive intends to introduce revisions to the way in which planning statistics are gathered in line with the changes that emerge from the Planning Bill. The Scottish Ministers will in due course aim to monitor progress on development plans and planning consents for new installations. They will implement the policies of this SPP in their statutory functions to approve development plans or in making determinations on planning applications notified to them under the present system and through engagement on proposals for planning reform.

CONTACT

56. Enquiries about this SPP should be addressed to Graham Marchbank, SEDD Planning, 2-H, Victoria Quay, Edinburgh EH6 6QQ (0131 244 7525) or by e-mail to graham.marchbank@scotland.gsi.gov.uk Further copies can be obtained by telephoning 0131 244 7543. This SPP and other SPPs and PANs can be viewed on the Scottish Executive website: www.scotland.gov.uk/planning

ANNEX – POLICY FRAMEWORK TABLE

Policy	Key issues	Implementation and Outcomes
1 Waste Framework Directive – implemented by the Waste Management Licensing Regulations 1994	<p>Requires the planning system to provide policies and sites for waste disposal.</p> <p>Disposal or recovery of waste to avoid endangering human health and harm to environment (Regs.: Schedule 4 (4)).</p> <p>In general terms the Scottish Ministers consider that a number of planning authorities have failed to take account of the need for waste management infrastructure in their local plans.</p> <p>In December 2005, the European Commission proposed a new thematic strategy on the prevention and recycling of waste.²⁰ Those proposals are likely to give further emphasis to the need to provide the right infrastructure.</p>	<p>From July 2006 to July 2011 the Executive, working with the United Kingdom Government, is required to compile returns to the European Commission demonstrating the extent to which development plan policy on waste management is being updated.</p> <p>The Scottish Ministers will continue to work with planning authorities to tackle areas where particular pressures may lie and will only be prepared to approve structure plans which take adequate account of the need for waste management infrastructure.</p> <p>The Scottish Ministers will also require authorities to update plans to take full account of the need for infrastructure which supports sustainable waste management. A benchmark report is the publication Local Plans: Meeting Area Waste Plan Objectives (2005).²¹</p>
2 Landfill Directive	<p>By 2010, 2013 and 2020 biodegradable municipal waste disposed of to landfill will be reduced progressively to 75%, 50% and 35% of the total produced in 1995.²²</p> <p>SEPA and the Scottish Executive looking into landfill capacity/needs</p>	<p>As well as the reduction of waste and increased recycling and composting, targets will also lead to increased requirements for infrastructure to treat municipal waste. For non-municipal waste, the closure of many smaller landfills that no longer meet Pollution Prevention and Control (PPC) Regulations, higher environmental standards at landfill sites generally and the UK Government's Landfill Tax will all lead to increased demand to reduce waste or to find alternative ways of dealing with waste in new installations.</p>
3 Landfill (Scotland) Regulations 2003	<p>New landfills must comply with the Regulations.</p>	<p>See paragraphs 40-41 for specific planning requirements.</p>

20 Thematic strategies take a longer-term perspective in setting environmental objectives to around 2020 to provide a stable policy framework. The Commission proposes revising the Waste Framework Directive to set recycling standards and to include an obligation for Member States to develop national waste prevention programmes. Available at europa.eu.int/comm/environment/waste/strategy.htm

21 Available at www.scotland.gov.uk/Publications/2005/09/08121328/13289

22 Scotland will be able to landfill a maximum of 1.32 million tonnes of biodegradable municipal waste in 2010 and 880,000 tonnes in 2013, reducing to 620,000 tonnes in 2020. See also paragraph 8.

Policy	Key issues	Implementation and Outcomes
4 National Waste Strategy	Provides the context for the National Waste Plan.	Implementation driven by NWP and AWP requirements.
5 National Waste Plan	Aims to stop growth in municipal waste by 2010, – a tough challenge. Indicates that if growth should slow to 1.5% from 2010 to 2020, arisings of municipal solid waste could increase to 4.38 mt. by 2020. Brings together eleven Area Waste Plans and forms the key to the implementation of the National Waste Strategy.	The National Waste Plan’s targets and Area Waste Plan infrastructure requirements are not site specific and should be addressed by planning authorities in development plans.
6 Area Waste Plans (AWPs)	Area Waste Plans (of which there are 11) articulate the National Waste Plan at area level.	<p>Number and range of installations established in each AWP was subject to rigorous best practicable environmental option (BPEO) assessment.²³ Principle of those options is therefore established so for Strategic Environmental Assessment of development plans, it will be necessary for planning authorities to assess only locational impacts.</p> <p>For non-municipal waste, the locational dimension of additional infrastructure will require wider picture to be recognised in policy development. Planning authorities to continue to provide an input to AWP implementation through Waste Strategy Area Groups.</p> <p>Progress on implementation is recorded in Area Waste Plan annual reports,²⁴ providing a record for planning authorities when preparing development plans. Annual reports record actions achieved deleted or restructured and may contain assessments of progress made in neighbouring structure or local plan areas.</p> <p>Against that background, the Scottish Ministers will, when considering development plans, development proposals notified to them, or appeals, support efforts to focus strongly on delivering AWP requirements consistent with the strategic waste fund.</p> <p>The need to secure a better fit between development plans and Area Waste Plans is driven by the Waste Framework Directive obligations set out above.</p>

²³ Best Practicable Environmental Option decision making guidance: SEPA/SNIFFER September 2000.

²⁴ Available at www.sepa.org.uk/nws/guidance/annual_reports0405/index.htm

Policy	Key issues	Implementation and Outcomes
7 Scottish Planning Policies (SPPs)	The Scottish Planning Policy on waste management engages in particular with: SPP 1 The Planning System , SPP 2 Economic Development , and SPP 17 Planning for Transport .	Refer to specific sections of this SPP.
8 National Planning Framework (NPF)	Maps additional capacity requirements expected by 2013 for municipal waste; new materials reclamation facilities, energy from waste plants, composting plants and landfills.	For detailed information in drawing up development plans, planning authorities should refer to the NPF, this SPP and Area Waste Plans. Conclusion of outline cases for strategic waste fund bids ²⁵ may alter spatial distribution of installations shown in the NPF. NPF map 20 shows only a partial picture, as landfill capacity remaining at 2013 will still be required, together with any thermal treatment or new landfill capacity.
9 Scottish Sustainable Development Strategy (SSDS)²⁶	The SSDS was published in December 2005. The Executive recognises that economic growth should be delivered without or with fewer adverse environmental consequences such as waste. Provides strategic framework for a number of the Executive's new and emerging strategies on climate change, transport, renewable energy, energy efficiency, green jobs and biodiversity.	The strategy includes actions to support environmental justice, moving away from over-dependence on landfill.
10 Green Jobs Strategy²⁷	Highlights potential new business opportunities – including waste and recycling. Updated quarterly.	The green jobs strategy highlights the wealth of business and employment opportunities arising from the shift towards a sustainable future. Sustainable locations for waste management infrastructure will rely in part on accessibility to the labour force.

²⁵ Local authorities are working together to provide strategic outline cases (SOCs) to the Scottish Executive on proposals for waste treatment infrastructure to complement their current recycling efforts. The SOC's were published on the Scottish Executive website on 4 May 2006 and can be accessed at www.scotland.gov.uk/Publications/Recent by entering that date.

²⁶ Available at www.scotland.gov.uk/Publications/2005/12/1493902/39032

²⁷ Available at www.scotland.gov.uk/Publications/2005/06/1693437/34386.

STOP