



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

MID ULSTER

Waste Management - Policy Review

April 2015

Waste Management

Purpose: To provide members with an opportunity to consider existing planning policies as they pertain to Waste Management and to consider the need for alternative policies in light of the forthcoming Local Development Plan.

Content: The paper provides information on:

- (i) The legislative requirements for waste management and existing planning policies**
- (ii) Mid Ulster District Council (MUDC) objectives for waste management and the linkages between the MUDC objectives for future growth and the Sustainability Appraisal, Regional planning policy and Strategic Planning Policy Statement objectives**
- (iii) Consider existing policies and consider preferred and alternative policy options for waste management within the Local Development Plan**

Recommendation: That the Planning Committee notes the findings and considers how this paper shall be used to inform the Preferred Options Paper (POP) and strategic policies in the Local Development Plan (LDP)

1.0 Introduction

1.1 This paper contains an assessment of how existing planning policies relevant to waste management take account of the Regional Development Strategy 2035 (RDS 2035), the Single Planning Policy Statement (SPPS), Sustainability Appraisal themes and the MUDC (waste management) objectives through the proposed LDP objectives and whether they need to be tailored to reflect local circumstances in Mid Ulster.

2.0 Legislative Context

2.1 International and National Obligations

Government recognises the strategic importance of managing our waste sustainably. The Northern Ireland Waste Management Strategy “Delivering Resource Efficiency” is set firmly in the context of sustainable development policy and other key government policy documents and initiatives. It is founded on the principles of the EU Waste Framework Directive (WFD) and sets out the policy framework for the management of waste in Northern Ireland, and contains actions and targets to meet EU Directive requirements and the Department’s Programme for Government commitments.

3.0 The Objectives

(a) Mid Ulster Council

- 3.1 Position Paper One¹ outlined a number of policy objectives that will assist in formulating the aim and objectives for Waste management in the LDP including;
- The need to accommodate investment in power, water and sewerage infrastructure and **waste management**, particularly in the interests of public health.
 - The need to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and wellbeing.
 - The need to provide and encourage use of energy both as a means of generating money for the local economy, attracting investment in enterprise and providing sustainable and affordable lighting and heating for the population.
 - To promote diversity in a range of jobs recognising the importance of employment in the primary sector, secondary sector and tertiary sector.

The Objectives

(b) Sustainability Appraisal (SA) Objective

- 3.2 MUDC has a statutory requirement in the formulation of its LDP, to further sustainable development by ensuring that it is subject to a Sustainability Appraisal incorporating a Strategic Environmental Assessment (SA/SEA).
- 3.3 An SA/SEA is an appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development. It performs a key role in providing a sound evidence base for the plan which will play an important part in demonstrating if a development plan document is sound.
- 3.4 In developing the Sustainability Appraisal² framework a list of 22 sustainability objectives have been drafted. It is considered that these objectives can provide a methodological yardstick against which likely significant social, economic and environmental effects of the evolving Mid Ulster Plan can be tested. Those SA objectives which are considered particularly relevant to the waste management topic are listed below;
- To minimise the production of waste and use of non-renewables.
 - To reduce contributions to climate change and reduce vulnerability to climate change.
 - To offer everybody the opportunity for rewarding and satisfying employment

¹ Position Paper One Population and Growth, September 2014, Mid Ulster

² Appendix II Mid Ulster Sustainability Assessment Incorporating Strategic Environmental Assessment June 2015

- To improve health and well-being of the population.

3.5 In order to achieve these objectives it is considered that future waste management planning policies should aim to;

- Minimise the amount of waste collected.
- Minimise the amount of waste sent to landfill.
- Increase energy recovery and recycling.
- To improve facilities and services.
- Reduce the consumption of materials and resources.

(c) Mid Ulster Community Plan

3.6 Section 66 (6) of the Local Government Act (NI) 2014 requires that; '*...in the discharge of its duties under subsection (1) a council must where appropriate have regard to its plan strategy and its local policies plan under sections 8 and 9 of the Planning Act (NI) 2011.* Subsection (1) states that the Council must initiate, maintain, facilitate and participate in community planning for its district.

3.7 Under Section 77 (2), the Local Government Act (NI) also amends The Planning Act (NI) 2011 (as amended) to include the councils Community Plan as one of the 'matters which a council must take account of when preparing a plan strategy' once it is published. This is in addition to the RDS, SPPS and any other policy or advice contained in guidance issued by the Department. In other words, the Local Development Plan must have regard to the Community Plan and vice versa. Full public consultation on the draft Community Plan is due to commence in the summer of 2016.

3.8 By their very nature, waste management facilities can cause significant effects upon the environment. It is therefore particularly important that any new or revised policies and proposals are informed by a robust evidence base and an accurate record of its sustainability appraisal findings. At the same time, it is also important that the Council is mindful of the differences between the planning system and the pollution control system. This issue is further elaborated on below under paragraph 3.17.

(d) Regional Development Strategy 2035 (RDS)

3.9 The RDS provides an overarching strategic planning framework to facilitate and guide the public and private sectors. It addresses economic, social and environmental issues aimed at achieving sustainable development and social cohesion.

3.10 It sets out regional guidance in relation to the sustainable management of waste in line with the 5 step waste hierarchy as set out in the Waste Framework Directive (see table 1.1 below).It acknowledges that managing waste is a significant part of how we treat our environment and that if waste is not managed safely then it can become a serious threat to public health, and cause damage to the environment as well as being a local nuisance.

3.11 The **waste hierarchy** aims to encourage the management of waste materials in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced. Although not applied as a strict hierarchy, as a guide it encourages the prevention of waste, followed by the reuse and refurbishment of goods, then value recovery through recycling and composting.

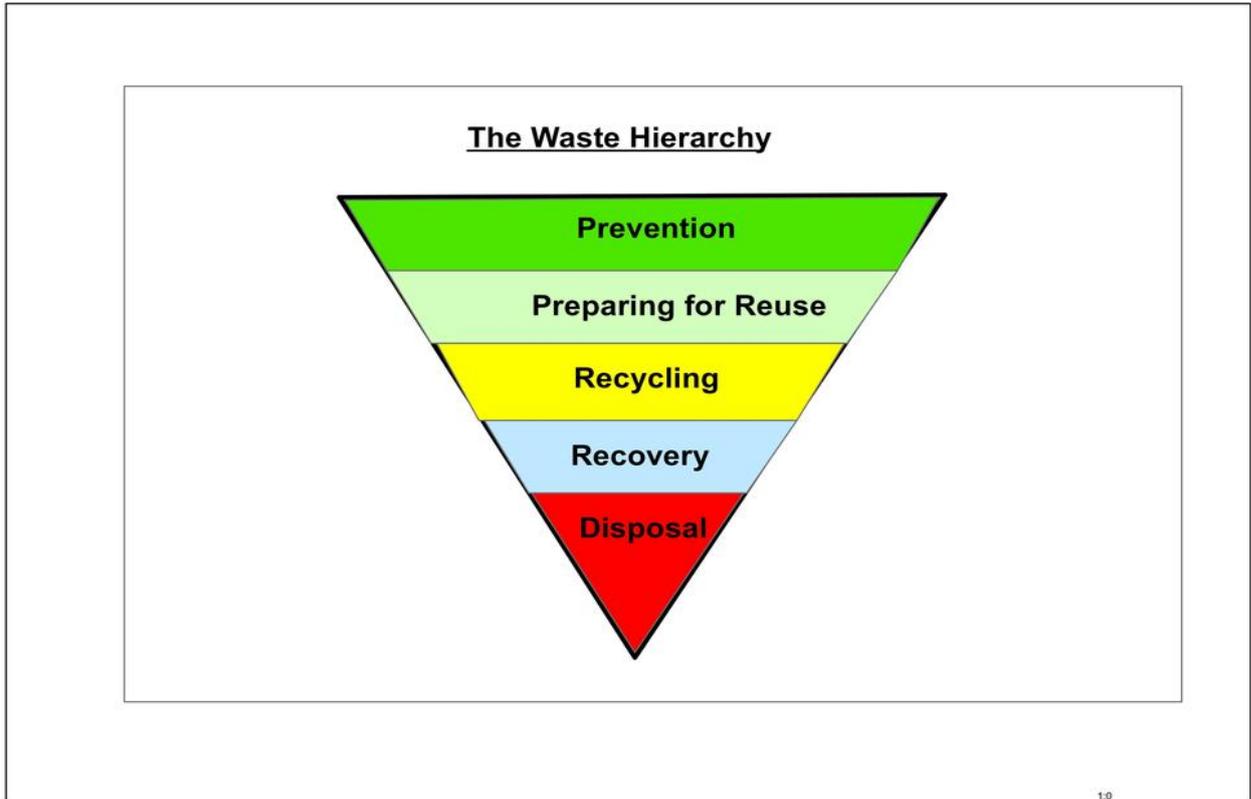


Table 1.1 –The Waste Management Hierarchy

3.12 The next option is recovery, including energy recovery, an important level in the hierarchy as many materials have significant embedded energy that can be recovered. Waste prevention, reuse, recycling and recovery are collectively defined by the Organisation for Economic Co-operation and Development (OECD) as waste minimisation. Finally, waste disposal should only be used when no option further up the hierarchy is possible.

3.13 In addition, the RDS emphasises the **proximity principle** i.e. the need to treat or dispose of waste as close as practicable to the point of generation to minimise the environmental impacts of waste transport.

(e) Strategic Planning Policy Statement (SPPS)

3.14 The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. It was formally

adopted in September 2015 and is judged to be in general conformity with the RDS.

3.15 The aim of the SPPS in relation to waste management is to support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency. It sets out regional strategic objectives and regional strategy policy for waste management which must be taken into account in the preparation of the Planning Strategy and Local Policies Plan.

The SPPS contains the following regional strategic objectives;

- promote development of waste management and recycling facilities in appropriate locations;
- ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided or minimised; and
- secure appropriate restoration of proposed waste management sites for agreed after-uses.

3.16 This policy review will take into account the implications of the above strategic policy. In particular, the SPPS requires councils to assess the likely extent of future management facilities and include appropriate policies and proposals to ensure that the potential impacts of both existing and future waste management are kept to a minimum. Any new waste management policy will be underpinned by the precautionary approach i.e. where there are significant risks of damage to the environment, its protection will generally be paramount unless there are imperative reasons for overriding public interest.

Relationship between planning and pollution control regimes

3.17 At the operational level, it is important to highlight the differences between development management and pollution control systems and the relationship between them. They are separate but complementary systems of control, and regulation designed to protect the environment from harm as a result of development and related operations.

Development Management focuses primarily on:

- whether the development itself is an acceptable use of the land rather than on the control of the processes or substances involved; and
- regulating the location of the development in order to avoid or minimise adverse effects on people, the use of land and the environment.

3.18 The pollution control regime is concerned with the control and regulation of proposed operations and processes and with their day to day operation. The objective is to ensure that the waste is disposed of or treated without endangering human health or causing harm to the environment.

- 3.19 Development management should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. The Council must make its planning decisions on the basis that the pollution control regimes will be properly applied and enforced. The relevant expertise and statutory responsibility for pollution control rests with the relevant pollution control authorities.
- 3.20 Nevertheless the dividing line between each system of control is not always clear cut. Development management is not an appropriate means of regulating the detailed characteristics of potentially polluting waste management activities. However matters relevant to a pollution control authorisation or licence may be material planning considerations

Waste Management Strategy and Joint Waste Management Plan

- 3.21 Prior to local government reform, a key aspect of delivery of the Waste Management Strategy was through the local waste management plans prepared by the three District Council Waste Management Groups (Arc 21; North West Region Waste Management Group; and Southern Waste Management Partnership). These 3 groups were formed in recognition of the mutual benefits to be gained from a regional approach to waste management planning, using powers in the Local Government Act (NI) 1972.
- 3.22 The legacy Councils of Armagh, Banbridge, Cookstown, Craigavon, Dungannon, Fermanagh and Omagh were former members of the Southern Waste Management Partnership (SWaMP2008) whereas Magherafelt District Council was a former member of the North West Region Waste Management Group. SWaMP2008 was dissolved with effect from 31 March 2015 under The Local Government (Constituting a Joint Committee a Body Corporate) Order (NI) 2015
- 3.23 In February 2016, a Joint Waste Management Plan was prepared for Mid Ulster District Council, Omagh and Fermanagh Council and Armagh City, Banbridge and Craigavon Borough Council. This plan reviewed the content of both existing plans and sets out the arrangements for the management of controlled waste arising within the joint Councils over the period 2016 to 2020.

4.0 Existing Waste Infrastructure within Mid Ulster

- 4.1 In terms of existing infrastructure the Mid Ulster Council operates 12 centres for recycling and disposing of household waste in the District as tabled below. The location of these Recycling Centres is illustrated in Appendix A.

Table 1 - Existing Recycling Centres in Mid Ulster

Recycling Centre	Location
Ballymacombs Recycling Centre	Ballymacombs Road (near Bellaghy)
Castledawson Recycling Centre	Moyola Road, Castledawson
Clogher Recycling Centre	Fintona Road, Clogher
Coalisland Recycling Centre	Derry Road, Coalisland

Cookstown Recycling Centre	Molesworth Street, Cookstown
Draperstown Recycling Centre	Workspace Industrial Estate, Magherafelt Road, Draperstown
Drumcoo Recycling Centre	Coalisland Road, Dungannon
Fivemiletown Recycling Centre	Sreeby Road, Fivemiletown
Maghera Recycling Centre	Station Road Industrial Estate, Maghera
Magherafelt Recycling Centre	Ballyronan Road (adjacent to Council offices)
Moneymore Recycling Centre	Moneyhaw Road, Moneymore
Tullyvar Recycling Centre	Tullyvar Road, Aughnacloy

- 4.2 It can be seen from table 2 below that there are 3 landfill sites in the Mid Ulster District located at Ballymacombs Road, Bellaghy, Tullyvar, Aughnacloy, and Magheraglass, Cookstown. It is estimated that there could still be up to 40,000 tonnes of capacity at Ballymacombs and it will be required to be filled at some stage to produce the proper contours required for permanent capping and closure. Although there is void capacity at the Tullyvar landfill site until the end of the plan period (2030), it is earmarked for closure in 2018/19. The landfill site at Magheraglass may close by 2017/18, however there is a waste transfer station operating at this site which will continue for the foreseeable future.

Table 2 -Proposed Arrangements for Landfill Sites in Mid Ulster

Landfill Site	Proposed Arrangements
Magheraglass	It is intended that the site will be Scheduled for closure during the 2017/18year.
Tullyvar	It is intended that the site will be Scheduled for closure during the 2018/19year.
Ballymacombs	It is intended that the site will be Scheduled for closure during the 2019/20year.

Source: Joint Waste Management Plan 2016-2020.

Key Differences between PPS 11 and the SPPS.

- 4.3 The SPPS consolidates, updates and sets out in a strategic way the Departments existing planning policy approach for Waste Management as contained in PPS 11. It can be seen that the objectives of the SPPS are broadly reflective of those contained in PPS 11. There are however some important differences which are highlighted below.
- 4.4 At a strategic level the SPPS differs from PPS 11 in that it highlights the positive role that waste management can play in sustainable development. This includes benefits to the health and well-being of society and to the provision of jobs and investment across NI. The waste management industry is an important provider of

jobs and investment across the region, with the potential to support future business development, investment and employment.

- 4.5 At an operational level, the key difference between the two publications is the removal of the Best Practicable Environmental Option (BPEO). This is in accordance with the recommendations of the Revised Waste Management Strategy 'Delivering Resource Efficiency (2013). In 2013 the Department of the Environment published guidance stating that the statutory Strategic Environmental Assessment (SEA) required to be undertaken as part of the preparation of the Waste Management Plan duplicates the BPEO process. Consequently, BPEO is no longer treated as a 'material consideration' for plans and waste proposals. This change has been broadly welcomed by the main stakeholders in the waste management industry
- 4.6 Despite BPEO no longer being a material consideration, the concept remains one of a number of non-statutory tools to assess different waste management options in the development of Waste Management Plans. BPEO, therefore continues to be implemented by the joint councils as a high level tool to determine the overall technology mix for the Region.
- 4.7 Paragraph 6.312 of the SPPS states that 'Councils must assess the likely extent of future waste management facilities for the plan area' and that 'Specific sites for the development of waste management facilities should be identified in the LDP together with Key Site Requirements'. This integration of the waste management into the plan led system has been broadly welcomed by the waste industry.
- 4.8 The forthcoming plan will take account of the recently published Joint Waste Management plan which has set out the arrangements for the management of controlled wastes arising within the joint councils of Mid Ulster, Armagh Banbridge and Craigavon, Fermanagh and Omagh over the period 2016 to 2020. This includes the services and infrastructure needed for the collection, treatment and disposal of the wastes.

5.0 Policy Options for Waste Management

- 5.1 There was broad agreement at the waste management workshop that existing policy on Waste Management (PPS 11) has been broadly effective in facilitating the development of waste management facilities throughout the district. Since its introduction in 2002 the general trend in Mid Ulster and Northern Ireland has been a decrease in Local Authority Collected Municipal Waste, a decrease in the amount of waste sent to landfill and an increase in the rate of recycling. It was also agreed at the workshop however that there was now an opportunity for PPS 11 to be updated and simplified, so that it is tailored to the needs of Mid Ulster in accordance with the requirements of the SPPS.
- 5.2 Having evaluated the information available in respect of waste management, and following feedback from the renewable workshop, the following options are recommended;

Option 1: Adopt policies which are in line with existing planning policy contained within Planning Policy Statement 11 (PPS 11) including removal of Best Practicable Environmental Option (BPEO).

Option 2: Update and simplify existing policy to take account of key differences between it and the SPPS.

- 5.3** PPS 11 Contains 5 separate policies related to Waste Management;
- **Policy WM 1** - Environmental Impact of Waste Management.
 - **Policy WM 2** - Waste Collection and Treatment Facilities.
 - **Policy WM 3** - Waste Disposal
 - **Policy WM 4** - Land Improvement
 - **Policy WM 5** - Development in the vicinity of Waste Management Facilities.

Each of these policies are considered below in the context of the SPPS and varying policy options are presented for the forthcoming LDP. The full wording of all existing policies can be found in Appendix B.

Policy WM 1 Environmental Impact of Waste Management.

- 5.4** Policy WM 1 begins by stating that *‘Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects...’* Although waste management development has the potential to cause significant environmental effects on the environment, the SPPS portrays the waste industry in a more positive light. This follows on from the 2013 Northern Ireland Waste management Strategy - ‘Delivering Resource Efficiency’ which emphasises waste as both a resource and an opportunity.
- 5.5** Policy WM 1 is negatively worded in that it begins by stating that proposals for waste management facilities *‘will only be permitted where it can be demonstrated that all of the following criteria are met’*. This is subsequently followed by a list of 12 separate criteria. This approach to assessing waste management development reinforces the negative perception of the waste management industry and is somewhat out of keeping with the approach advocated under the new SPPS. A more permissive wording akin to the policy wording for other types of developments may be more appropriate, with adequate safeguards built in to ensure significant environmental effects on the environment are avoided. For example, *‘Development for Waste Management Facilities will be permitted, provided...’* followed by a list of criteria that need to be met.
- 5.6** It is considered that there is an opportunity to streamline the current extensive list of criteria found under the current Policy WM 1 to avoid repetition of issues that may be addressed elsewhere in the forthcoming LDP. For example, it is noted that bullet points 4 (partly) 5, 6, 7 of policy WM 1 deal specifically with road safety issues. As all development will be required to comply with any new transportation policies it would be considered unnecessary to repeat similar criteria under the waste management topic. Bullet point 4 also addresses issues of neighbouring amenity such as noise, dirt and dust which will be, although this element will be contained under General Criteria in the forthcoming Planning Strategy, against which all development proposals will be determined against.

- 5.7 Additionally, bullet point 8, which deals with built heritage and natural heritage issues, and bullet point 10 which deals with flood risk will also be addressed under respective policies in the forthcoming plan. To avoid repetition, these criteria can also be removed from forthcoming policy on waste management.
- 5.8 Elsewhere, the remaining criteria stipulated would be considered both relevant and specific to the waste management topic and should therefore be retained i.e. bullet points 1, 2, 3, 4 (partly), 9, 11 and 12, all of which have been referenced in the SPPS. For the purposes of avoiding waste management development being negatively portrayed, it may also be appropriate to retain these criteria under a 'General Policy' for waste management development and disregard the existing title 'Environmental Impact of a Waste Management facilities'.
- 5.9 As referred to in paragraph above, the SPPS has introduced the concept of integrating waste management into the plan led system in terms of site selection. It is important therefore that any new policy makes clear the link between the LDP and the joint waste management plan. This can be done by introducing an additional criterion under a General Policy for waste management facilities. The suggested policy wording for this criterion would be as follows;

'Proposals for the development of a waste management facility shall accord with the plan providing;

there is a need for the facility as established through the Joint Waste Management Plan, and any subsequent plan, except in the case of WWTW's where the need must be demonstrated to the satisfaction of Mid Ulster Council or the Department'.

- 5.10 A recent Site Selection Study carried out by Mid Ulster Council³ looked at the Council's currently owned and operated waste management facilities for the potential development of further waste transfer infrastructure, based on a series of criteria. The study concluded that Drumcoo civic amenity site at Dungannon was the preferred location to develop a new waste transfer station. No other sites were selected for future development.
- 5.11 The timing of this study allows this particular site to be highlighted in the forthcoming LDP as a potential waste transfer site and if appropriate, key site requirements applied to accompany possible land zonings. This would then be linked to plan policy, providing greater overall certainty in the plan process. Given that the time frame of the LDP goes beyond that of the Waste management Plan by 10 years, further consultation may be required with relevant agencies to ascertain if additional sites need to be specified to cover the plan period to 2030.
- 5.12 Taking into consideration all of the above, the following 'General Policy' it is recommended for waste Management facilities;

1. Waste Management; General Policy

³ Joint Waste Management Plan 2016-2020

Proposals for the development of a waste management facilities shall accord with the plan providing;

- (i) It will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment that cannot be controlled by mitigating measures.**
- (ii) it is designed to be compatible with the character of the surrounding area and adjacent land uses;**
- (iii) the visual impact of the waste management facility is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;**
- (iv) the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;**
- (v) the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;**
- (vi) In the case of waste disposal the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.**

In the case of waste collection and treatment facilities and waste disposal (landfill and land raising) there must be a need for the facility as established through the Joint Waste Management Plan 2016, and any subsequent plan, except in the case of WWTW's where the need must be demonstrated to the satisfaction of Mid Ulster Council.

Policy WM 2 - Waste Collection and Treatment Facilities.

5.13 Similar to the SPPS (Paragraph 6.316) Policy WM2 operates a presumption in favour of Waste Collection and Treatment Facilities, subject to satisfying several criteria. The first criterion requires that *'there is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction'*. Given this is included under the 'General Policy' for all waste management development (criterion (i)), it would not be necessary to repeat again under this policy.

5.14 As referred to above under paragraph 4.5, and as clarified further under paragraph 6.323 of the SPPS, the BPEO requirement as stipulated under WM2 criterion (b), is no longer necessary. This element of policy will therefore be omitted entirely from forthcoming policy.

- 5.15** Policy WM (c) goes on to list 5 locational criteria, at least one of which needs to be met to accord with policy. This criteria is repeated almost verbatim in paragraph 6.313 of the SPPS and should be retained in forthcoming policy. There is an opportunity however to tailor the wording of policy so that it is appropriate to the Mid Ulster Region. For example, the reference to a 'port area' as being a suitable location for a waste treatment or collection facility is not locally relevant and can therefore be removed.
- 5.16** There may also be an opportunity to further define the type of 'industrial area' that is considered appropriate location for this development, to avoid potential conflict with certain industrial uses. For example, waste management development would be incompatible with existing industrial undertakings requiring a particularly contaminant free environment, such as life sciences, food processing and research and development sectors.
- 5.17** The fifth criterion, which refers to suitable locations in the countryside for waste facilities, has proven to be problematic in the past. Under this criterion, suitable locations in the countryside include the reuse of existing buildings or if on land within and adjacent or adjacent to existing building groups. It goes on to state that 'Alternatively, where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact'. This provision seems quite relaxed, particularly given the nature and type of the development concerned. The Council may want to consider adopting a stricter approach under this criteria, to ensure that waste management and recycling facilities are located in 'appropriate locations' as per the SPPS strategic objectives. Replacing the word 'Alternatively' with the word 'Exceptionally' at the beginning of the sentence may address these concerns.
- 5.18** Policy WM 2 (d) lists an additional 5 criteria that proposals need to comply with before approval is granted. The first criteria, which relates to 'Regional Scale' facilities, is repeated in the SPPS under paragraph.6.314. It is considered that this criterion should be retained in forthcoming policy. In considering what is of 'Regional Scale' the Council should take into account section 26 (1) of the planning Act (NI) 2011 and related Planning (Development Management) Regulations (NI) 2015 which contain the appropriate thresholds for 'Regionally Significant' and 'Major' waste management proposals.
- 5.19** The second and third criteria of policy WM 2 (d) contain site specific requirements for waste management facilities in terms of the sorting and processing of waste and the types of buildings that waste operations should be carried out in. As these issues form part of the detailed consideration of all applications in consultation with relevant consultees such as NIEA (licensing authority) and Environmental Health, it would not be considered necessary to include them as a separate policy requirement. It is also noted that these two criteria are not included in the SPPS. It is therefore recommended that they are removed from forthcoming policy.
- 5.20** The 4th criterion relates to waste incineration and energy from waste facilities. One has to bear in mind that that PPS 11 Waste Management (2002) was published 7 years before PPS 18 Renewable Energy (2009) which is particularly relevant to these type of proposals. In some respects therefore, this element of

policy is out of date and, as the SPPS has remained silent on this issue, it seems logical to remove as a criterion to be met under the waste management policy. Nonetheless, proposals of this nature would be expected to accord with the principles of the Joint Waste Management Plan and the waste management hierarchy which is referenced under suggested General Policy requirements for waste management facilities (see Paragraph 5.12 above).

5.21 The fifth criterion relates to the environmental impact of waste collection and treatment facilities. This issue however has been addressed above under suggested General Policy criterion (ii). Furthermore, the application of the Planning (Environmental Impact Assessment) Regulations (NI) 2015 will ensure all waste management proposals will undergo a thorough examination of the environmental effects. It is therefore considered unnecessary to include this criterion in forthcoming policy.

5.22 Taking into consideration all of the above, it is suggested that a second policy entitled 'Waste Collection and Treatment Facilities' should read as follows;

Proposals for the development of a waste collection and treatment facilities shall accord with the plan providing it complies with one or more of the following locational criteria:

- **it is located within an industrial area of a character appropriate to the development; or**
- **it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or**
- **it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or**
- **in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or**
- **it suitably located in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Exceptionally, where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact.**

In the case of regional scale waste collection and treatment/waste management facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water.

Policy WM 3 Waste Disposal

5.23 Mid Ulster District Council have completed a review of their waste management practices as well as an assessment of their closure programme for the 3 landfill sites Tullyvar, Ballymacombs and Magheraglass (See Table 2 above). The proposed closure arrangements will result in a significant reduction in Local Authority owned landfill capacity in the region after 2018/2019.

- 5.24** The aim of the Council is to progressively move away from the landfilling of waste and meet the statutory obligations in relation to maximising recycling, diverting biodegradable waste from landfill and in addition aspires to minimise the amount of waste going to landfill as well as addressing any potential future ban on material(s) going to landfill. As a result of the closure of the landfill sites Mid Ulster District Council would be transferring their waste for treatment and energy recovery .It is therefore required to develop further waste transfer facilities within the Council area. A recent site selection process has resulted in a site at Drumcoo being earmarked for future development as a waste transfer station.
- 5.25** Although the council intends to move away from the landfilling of waste, this does not preclude other parties from seeking approval for such development. As such, forthcoming policy should include provision for landfills or land-raising facilities. Any such proposals would have to accord with the Joint Waste Management Plan and the principles of the waste Management Hierarchy.
- 5.26** The current wording of policy WM 3 accords with the SPPS in that it operates a presumption in favour of Waste disposal (landfill or land raising activities), subject to several criteria being met. Landfilling is defined as the deposition of waste generally involving the filling of voids, whereas land raising is defined as the deposition of waste above ground e.g. in naturally occurring depressions.
- 5.27** The first criterion of WM 3 requires that a need for waste disposal facility is established through the Waste Management Strategy and the Waste management Plan. As this requirement is contained within suggested General Policy criterion (i) there is no need for it to be repeated again under this specific policy. The second criterion regarding the BPEO, is no longer relevant and can also be removed
- 5.28** The third criterion (c) contains 5 separate bullet points. The first bullet point requires that the development '*will not result in an unacceptable adverse environmental impact or appropriately controlled by mitigating measures*'. As this requirement would be addressed under the General Policy (criterion (i)) for all waste management facilities, there is no need for it to be repeated under this policy.
- 5.29** The second bullet point requires that '*Significant mineral reserves are not sterilised*' due to the proposed development. It is expected however, that the forthcoming plan will bring forward designations to highlight 'Mineral Reserve' Areas supported by policy to ensure that surface development does not prejudice their exploitation. As all types of development, including waste related development, will have regard to this policy, it does not need to be specified as an additional criteria under the Waste Disposal policy.
- 5.30** The 3rd bullet point provides locational criteria for waste disposal operations, requiring that they are suitably located within an active or worked out hard rock quarry or it brings land that is despoiled, derelict or contaminated back into productive use'. Given the nature of landfill development, the locational criteria is more restrictive than that for waste collection and treatment facilities. It would

therefore be important to retain this requirement under future policy that specifically addresses proposals for waste disposal.

- 5.31** The 4th bullet point relates to Regional Scale facilities and a requirement to be in close proximity to key transport corridors and where practicable make use of alternative modes of transport. A similar requirement currently applies to Waste Collection and Treatment facilities under PPS 11 Policy WM 2 and is included under the policy recommended above. It is suggested that this requirement is retained under the specific policy for Waste Disposal.
- 5.32** The fifth bullet point relates to the ‘*appropriate restoration and aftercare*’ of Waste Disposal sites. As this is recommended as a general policy requirement for all waste disposal development, it would be considered unnecessary to be repeated under this specific policy.
- 5.33** Policy WM 3 also provides for the development of interim landfill or land raising facilities for the disposal of waste, subject to meeting several criteria. This provision for interim facilities was in line with the 2000 Waste Management Strategy taking into account the lack of an integrated network of waste management facilities at that time. Given the councils intention to close all existing landfill sites by 2020 and focus on developing alternative infrastructure for the collection and transfer of the Council’s waste, it is unlikely there would be any need to retain a policy that allows for essential interim landfill or land raising facilities.
- 5.34** Taking into consideration all of the above, the following policy wording is suggested for Waste Disposal;

Proposals for the development of landfill or land raising facilities for the disposal of waste shall accord with plan providing;

- (i) it is suitably located within an active or worked out hard rock quarry or it brings land that is despoiled, derelict or contaminated back into productive use.**

In the case of regional scale landfill or land raising facilities, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water.

Policy WM 4 Land Improvement

- 5.35** The SPPS makes no reference to the issue of land improvement i.e. the disposal of inert waste by its deposition on land, whereas PPS 11 contains a separate policy for this type of development i.e. Policy WM 4.
- 5.36** There is provision within Part 7 (Agricultural Buildings and Operations) of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (GDPO) ‘for the carrying out on agricultural land comprised in an agricultural unit of *‘engineering operations reasonably necessary for the purposes of agriculture’*

within that unit. This includes certain land improvement operations, albeit on a smaller scale to those permitted under current policy WM 4.

- 5.37** There are other genuine proposals for land improvement schemes that do not fall within parameters of PD rights, for example, small scale infilling associated with road improvement schemes not linked agricultural holdings. Experience has shown that these type of proposals are quite common place and it is anticipated that similar applications will be received in the future. It is considered that these proposals would be assessed against the suggested General Policy, including in particular criterion (i) which relates to any potential adverse environmental impact the development may have, and criterion (iv) which addresses the need for suitable aftercare and restoration proposals at waste disposal sites.
- 5.38** The second bullet point of existing policy WM 4 Land Improvement relates to the issue of BPEO which is now irrelevant, and can therefore be removed. Experience has also shown that the 3rd bullet point of policy WM 4 which requires that *'only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited'* has been problematic in that it is difficult to assess and enforce with regard to land improvement. It is therefore recommended that this requirement is also omitted from future policy.

Policy WM 5 Development in the vicinity of Waste Management Facilities

- 5.39** The potential adverse impact of existing or approved facilities upon neighbouring land uses should be a material planning consideration in the determination of all planning applications for the development of that land. This point is reiterated in paragraph 6.318 of the SPPS which states that;

'Development in the vicinity of waste management facilities should only be permitted where it will not prejudice the operation of such facilities and will not give rise to unacceptable impact on people, transport, or the environment'

- 5.40** Although existing policy accords with this requirement, the opportunity exists to simplify the policy wording as follows;

Development in in the vicinity of waste management facilities shall accord with the plan providing;

- (i) it will not prejudice the operation of such facilities**
- (ii) it will not give rise to unacceptable impact on people, transport, or the environment.**

- 5.41** Under this policy, applications will be approved or refused depending on the circumstances prevailing at particular locations. Relevant considerations include the nature and capacity of the treatment works, local topography, prevailing wind direction, screening and disposition of existing development, the nature of the proposed development, the precise position of actual odour sources within the boundaries of the works and advice on relevant environmental health matters.

- 5.42** Paragraph 6.315 of the SPPS introduces a new element in relation to waste management in that it states that LDP's should also '*identify the need for appropriate waste management facilities within new development*'. It is considered that this would particularly apply to large scale housing retail or industrial type developments. Rather than finding expression in operational policy, it may be more appropriate to introduce the idea of incorporating waste management facilities within new developments as a Key Site Requirement for on specific zoned sites contained within the forthcoming LDP.
- 5.43** Taking all of the above into consideration, it is recommended that the new policy on waste management could read along the following lines;

1. Waste Management; General Policy

Proposals for the development of a waste management facility shall accord with the plan providing;

- (i) It will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment that cannot be controlled by mitigating measures.**
- (ii) it is designed to be compatible with the character of the surrounding area and adjacent land uses;**
- (iii) the visual impact of the waste management facility is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;**
- (iv) the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;**
- (v) the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;**
- (vi) in the case of waste disposal the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.**

In the case of waste collection and treatment facilities and waste disposal (landfill and land raising) there must be a need for the facility as established through the Joint Waste Management Plan 2016, and any subsequent plan, except in the case of WWTW's where the need must be demonstrated to the satisfaction of Mid Ulster Council.

2. Waste collection and treatment facilities

Proposals for the development of a waste collection and treatment facility shall accord with the plan providing it complies with one or more of the following locational criteria:

1. it is located within an industrial area of a character appropriate to the development; or
2. it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or
3. it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or
4. in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or
5. it is suitably located in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Exceptionally, where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact.

In the case of a regional scale waste collection and treatment/waste management facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water.

3. Waste Disposal

Proposals for the development of landfill or land raising facilities for the disposal of waste shall accord with plan providing;

- (i) it is suitably located within an active or worked out hard rock quarry or it brings land that is despoiled, derelict or contaminated back into productive use.

In the case of regional scale landfill or land raising facilities, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water.

4. Development in in the vicinity of waste management facilities

Development in in the vicinity of waste management facilities shall accord with the plan providing;

- (i) it will not prejudice the operation of such facilities
- (ii) it will not give rise to unacceptable impact on people, transport, or the environment.

6.0 Recommendation

It is recommended that the policy options contained within this Paper together with the preferred options are subjected to the Sustainability Appraisal/Strategic Environmental Assessment, before any final decisions are made on which options will go forward for public consultation in the Preferred Options Paper.

Appendix B - PPS 11 - Waste Management – Existing Policies

Policy WM 1 Environmental Impact of a Waste Management Facility.

- Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:
- The proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;
- The proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;
- The visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;
- The access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;
- The public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;
- Adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;
- Wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;
- The development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests
- The types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;
- the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;

- The proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;
- In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

Policy WM 2 Waste Collection and Treatment Facilities

Proposals for the development of Waste Collection and Treatment Facilities will be permitted where;

- (a) There is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction;
- (b) The proposed facility is the BPEO
- (c) The proposed facility complies with one or more of the following locational criteria:
 - it is located within an industrial or port area of a character appropriate to the development; or
 - it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or
 - it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or
 - in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or
 - Where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. **Alternatively** where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact; and
- (d) The following criteria are also met;
 - In the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;

- Proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;
- The built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;
- Proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and
- It will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1).

Policy WM 3 Waste Disposal

Proposals for the development of landfill or land raising facilities for the disposal of waste will only be permitted where;

- (a) There is a need for the facility as established through the WMS and the relevant WMP; and
- (b) The proposed facility is the BPEO;
- (c) the proposed facility complies with all of the following criteria:
 - it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1); and
 - significant mineral reserves are not sterilised; and
 - it is suitably located within an active or worked out hard rock quarry or it brings land that is despoiled, derelict or contaminated back into productive use; and
 - in the case of a regional scale landfill or land raising site, its location closely relates to and allows for easy access to key transport corridors and, where practicable make use of the alternative transport modes of rail and water; and detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance bio-diversity.

In line with the WMS, prior to the establishment of an integrated network of waste management facilities, the development of interim landfill or land raising facilities for the disposal of waste will be permitted where the criteria under (c) are met and the proposed facility:

- (i) provides essential interim capacity;
- (ii) is likely to form part of a co-ordinated regional or sub-regional network; and
- (iii) as far as possible does not lead to an increase in the number of active landfill sites.

Policy WM 4 - Land Improvement

The disposal of inert waste by its deposition on land will only be permitted where it is demonstrated that it will result in land improvement and all of the following criteria are met:

- it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1); and
- there is a local need for the development and it can be demonstrated that it is the BPEO;
- only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited; • detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance biodiversity.

Policy WM 5 - Policy WM 5 Development in the vicinity of Waste Management Facilities

Proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs), will only be permitted where all the following criteria are met:

- it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
- it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

