4. PLANNING POLICY CONTEXT

4.1 Introduction

4.1.1 This chapter sets out the planning policy context for the proposed development. An assessment of the proposal against this planning policy is provided within the Planning Supporting Statement.

4.2 The Development Plan

4.2.1 The Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the provisions of the relevant Statutory Development Plan, unless material considerations indicate otherwise.

4.2.2 The application site is located within the administrative boundary of Durham County Council and within the local planning authority area of the former Derwentside District Council. The District was abolished in 2009 as the two-tier system of administration in County Durham was replaced with a unitary Durham County Council, replacing both the existing county council and district councils.

4.3 Adopted Planning Policy

4.3.1 The adopted development plan is made up of two central documents. Those relevant to this planning application are as follows:

- County Durham Waste Local Plan (April 2005) Saved Policies; and
- County Durham Plan (Adopted 2020)

4.3.2 There are no adopted Neighbourhood Plans of relevance to the application site.

4.3.3 Adopted Supplementary Planning Documents relate only to new residential developments and so are not relevant to the proposed development.

4.3.4 The relevant planning polices are set out below.

4.4 County Durham Waste Local Plan Saved Policies

4.4.1 The recently adopted County Durham Local Plan has replaced all of the policies contained within this plan with the exception of 13 policies.

4.4.2 These 13 policies will be replaced by a new Minerals and Waste Policies and Allocations document. Work on this document is due to begin in 2020.

4.4.3 The saved policies of relevance to the proposed development are outlined below.

4.4.4 **Saved Policy W6**: Design states that new buildings for waste management uses should be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible.

4.4.5 **Saved Policy W26**: Water resources states that proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to:

a) the quality of surface or groundwater resources; and

b) the flow of surface or groundwater at or in the vicinity of the site.

4.4.6 **Saved Policy W29**: Modes of Transport states that waste development will be required to incorporate measures to minimise transportation of waste. A Transport Assessment shall be produced in support of all proposals for waste development which is likely to have significant transport implications. The Transport Assessment will be required to show, where practicable, that full consideration has been given to the transport of waste by rail and through pipelines.

4.4.7 **Saved Policy W31:** Environmental Impact of Road Traffic states that waste development will only be permitted if:

a) traffic estimated to be generated by the development can be accommodated safely on the highway network and the amenity of roadside communities is protected;

b) the strategic highway network can be safely and conveniently accessed; and

c) the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.

4.4.8 **Saved Policy W32**: Planning Obligations for Controlling environmental impact of road traffic states that in granting planning permission for waste development, planning conditions will be imposed and planning obligations or other legal agreements sought, to cover the following matters, insofar as they fairly and reasonably relate to the proposed development:

a) the routing of traffic to and from the site;

b) highway improvements or maintenance;

c) the prevention of the transfer of mud, dust, litter or release of smoke onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles;

d) access to and from the site and the provision of on-site turning, parking, loading and unloading areas; and

e) the means of transporting material within the site, or between different parts of the same working area.

4.4.9 **Saved Policy W35**: Cumulative Impact states that in considering proposals for waste development the cumulative impact of the following will be taken into account:

a) existing waste development in the area;

b) waste development with planning permission, including proposals not yet started; c) past waste development in the area;

d) current planning applications for waste development in the area;

e) other non-waste activities in the area.

Permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of this plan".

4.5 County Durham Plan: Waste Management Policies

4.5.1 National planning policies require councils to plan for the needs of waste management in order to ensure that waste is managed in a sustainable and efficient manner, in accordance with the waste hierarchy. The County Durham Plan seeks to provide a set of strategic policies for waste in County Durham over the Plan period and additionally:

- Identifies, where possible, the scale of waste management capacity that will need to be accommodated within the county over the period to 2035;
- Sets out as far as possible where and when new provision will be necessary;
- Provides clear guidance to enable site specific allocations and planning applications to be considered in both locational and criteria based terms; and
- Allocates strategic sites for new waste development, where necessary.

4.5.2 Key waste policies of relevance to the proposed development are as follows:

- **Policy 47**: Sustainable Minerals and Waste Resource Management
- **Policy 48**: Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management sites
- **Policy 60**: Waste Management Provision
- **Policy 61**: Location of New Waste Facilities

4.5.3 **Policy 47:** Sustainable Minerals and Waste Resource Management

"The development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by:

a) ensuring that waste is managed in line with the waste hierarchy in sequential order. In particular:

1. supporting proposals that minimise waste production; help prepare waste for re-use; and increase the capacity and capability of the county's network of waste management facilities to reuse, recycle and recover value from waste materials; and

2. resisting proposals for the disposal of residual waste via landfill or via the incineration of waste without energy recovery unless a need can be demonstrated which cannot be met by existing facilities and by treatment solutions higher in the waste hierarchy.

b) supporting opportunities for on-site management of waste where it arises and encouraging co-location of waste developments with industrial uses so that waste can be used as a raw material;

c) encouraging all proposals for mineral extraction to minimise the amount of mineral waste produced in extraction, handling, processing and stockpiling; and to maximise the potential for mineral waste to be used in recycling or on-site restoration. If mineral waste is not required for these purposes then where practicable, a market for its potential use should be identified;

d) encouraging and permitting the concurrent working of two or more minerals from the same site provided that the operation or restoration of the site is not prejudiced or significantly delayed, the overall proposal remains acceptable and does not have an unacceptable adverse impact on either the environment, human health or the amenity of local communities;

e) permitting proposals for aggregate recycling facilities including at locations suitable for permanent waste management facilities and also at active quarries and landfill sites. Proposals at active quarries and landfill sites will only be permitted:

1. for a temporary period not exceeding the permitted life of the quarry or landfill site;

2. provided that the operation or restoration of the site is not prejudiced or significantly delayed; and

3. provided that the overall proposal remains acceptable and does not have an unacceptable adverse impact on either the environment, human health or the amenity of local communities".

4.5.4 **Policy 48**: Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management sites

"Existing and allocated minerals sites, minerals processing facilities and minerals related transportation infrastructure and important waste management sites shall be safeguarded and protected from all non-mineral and non-waste related development.

Planning permission will not be granted for non-minerals or non-waste related development that would result in the loss of existing or allocated minerals processing facilities and minerals related transportation infrastructure and waste management sites unless:

a. where the facility, infrastructure or site is in active use an alternative suitable site within an acceptable distance can be provided, which is at least as appropriate and acceptable for the use as the safeguarded site; or

b. the facility, infrastructure or site is not in active use and it can be demonstrated that it no longer meets the current or anticipated future needs of the minerals, building and construction industry or the waste management industry; or

c. the need for the alternative development outweighs the benefits of retaining the existing, or allocated infrastructure, facility or site.

Planning permission will not be granted for non-minerals or non-waste related development next to a safeguarded minerals processing facility, minerals related transportation infrastructure, minerals site or waste management site, or within a defined minerals or waste site safeguarding zone (where defined on Map C in the policies map document) other than for:

d. exempt development; or

e. where it can be demonstrated that the new non-minerals or non-waste development would not prevent, prejudice or be prejudiced by the current or future use of the safeguarded infrastructure, facility or site including through provision of adequate mitigation to reduce any impacts to an acceptable level"

4.5.5 **Policy 60**: Waste Management Provision

"Proposals for the provision of new or enhanced waste management capacity will be permitted where they:

a contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy; and

b. assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production; and

c. assist in meeting the identified need, set out within this Plan, for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East"

4.5.6 The policy states that moving the way waste is managed up the waste hierarchy is a key objective of government policy. The waste hierarchy places a priority on the prevention of waste, followed by reuse then recycling, then other recovery (which can include energy from waste). As part of this hierarchy, waste disposal is the last resort. While the Plan is limited in what it can do to minimise the generation of waste, the policy seeks to both maximise the management of waste up towards the highest practical levels of the waste hierarchy and ensure that proposals do not prejudice the movement of waste up the waste hierarchy by imposing a degree of restraint on other forms of development, such as landfill, and incineration without energy recovery (which, as disposal options, represent the lowest level of the hierarchy), unless

a need is demonstrated. Applicants will be expected to demonstrate how their proposed facility accords with this approach.

4.5.7 Supporting text to the policy states that Government policy is clear that while there is a policy aim that waste planning authorities should manage all of their own waste in line with the established waste planning principles of self-sufficiency and the proximity principle that there is no expectation that each local planning authority will be able to do so. In this regard, County Durham plays an important part in the management of waste in the North East and established flows of waste exist between County Durham and adjoining areas and other areas in the country.

4.5.8 Provision for future waste management in County Durham is based upon providing facilities to deal with the county's own waste arisings whilst acknowledging those flows which already exist (net self-sufficiency).

4.5.9 This policy is supported by the following tables:

Table 11 Baseline Arisings by Waste Type

Quantity (2016) (tonnes x 1,000 per annum)		**Data Source**
Non-Hazardous Waste	Total: 644.2kt, of which Dry Recyclate: 246.9kt, Organic waste: 62.7kt, and Residual waste: 334.6kt	Waste Data Flow, Regional C&I survey
Inert/Construction, Demolition and Excavation Waste (CDEW)	623.3kt (943.6kt including imports)	Environment Agency Permit Returns
Hazardous Waste	43.7kt	Environment Agency Permit Returns
Agricultural Waste	3.0kt (reported by Permit Returns)	Environment Agency Permit Returns
Low Level Radioactive Waste	942 GBq	Environment Agency IPPC Returns
Waste Water	50kt	Northumbrian Water

Table 12 Current Available Capacity by Site Type

Facility Type	**Available Capacity (tonnes x 1,000 per annum)**	**Data Source**
Mixed Materials Recovery Facility	270.0 ktpa	Environment Agency
Composting	190.0 ktpa	Environment Agency
Non-Hazardous Transfer	1,190.6 ktpa	Environment Agency
Anaerobic Digestion	72.4 ktpa	Environment Agency

Clinical Waste Transfer	30.0 ktpa	Environment Agency
Hazardous Waste Transfer	30.0 ktpa	Environment Agency
Inert Waste Transfer	98.6 ktpa	Environment Agency
Non-hazardous residual waste treatment/disposal	12.7 ktpa	Environment Agency
Inert Landfill, Non Hazardous Landfill and Non-Hazardous (with SNRHW cell) Landfill	11,104,913 cubic metres	Environment Agency
Vehicle Depollution Facility	145.0 ktpa	Environment Agency

Table 13: Future Projected Growth in Arisings by Waste Stream

Waste Type	**Quantity (tonnes x 1,000)**		
	2016	**2025**	**2035**
Non-Hazardous waste - recyclate	246.9	265.2	267.1
Non-Hazardous waste - organic waste	62.7	66.0	62.7
Non-Hazardous waste - residual waste	334.6	326.3	333.9
Construction and Demolition (Inert)	623.3	623.3	623.3
Hazardous waste	43.8	43.7	43.0

Table 14: Surplus Capacity (Including Any Capacity Gap) by Site Type (to 2035)

Facility Type	**Surplus Capacity (tonnes x 1,000 per annum unless otherwise stated)**
Mixed Materials Recovery Facility	118.8
Organic Recycling Capacity	162.2
Non-Hazardous Transfer	817.3
Anaerobic Digestion	122.6
Clinical Waste Transfer	28.6
Hazardous Waste Transfer	-11.2
Inert Waste Transfer	78.9
Non-Hazardous Residual Waste Treatment/Disposal	-67 to -145
Inert Landfill and Non-Hazardous Landfill	-3,682.8 (m3 x 1,000)
Vehicle Depollution Facility	

4.5.10 Supporting text paragraph 5.586 discusses non hazardous residual waste management and states that:

" In respect of the forecast Non-Hazardous residual waste treatment/disposal capacity gap it is understood that the identified capacity gap reflects the pattern of final management for LACW, whereby waste which cannot be composted or recycled is managed by incineration at the Suez Energy from Waste (EfW) plant at Haverton Hill in the Tees Valley. The council's contact with Suez runs until 2021 with options to extend to 2025. The council's evidence base has also

identified that a significant quantity of Non-Hazardous residual waste treatment capacity is in the planning pipeline across the North East and may come on stream in future years depending on the waste management industries ability to deliver the proposed schemes. Nonetheless, the council will consider positively planning applications to provide additional treatment capacity. It is recognised that such facilities could assist in managing waste towards the top of the waste hierarchy and could contribute both to net and regional self-sufficiency. Such proposals will be looked upon favourably where the proposal is acceptable in all other respects taking into account all relevant Plan policies"

4.5.11 **Policy 61:** Location of New Waste Facilities states that:

"*Proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:*

a) are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;

b) are located outside the Green Belt or are in locations which do not impact upon its openness;

c) minimise the effects of transporting waste including by locating as close to arisings as practical; and

d) can be satisfactorily located as part of an existing waste management facility, or where the waste management facility can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or

e) can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment except where:

1) they are located on a strategic or specific use employment site. Such sites are generally not considered to be appropriate for new waste management facilities unless it can be demonstrated that the proposal will not cause unacceptable adverse impact on the strategic or specific use employment sites principal use;

2) they are small scale waste management facilities that genuinely require a rural or outdoor location and that do not locationally conflict with the provisions of criterion (a) or (b) and other relevant policies in the Plan. In such circumstances proposals will be permitted where they can be satisfactorily located either:

i) within either existing redundant rural agricultural or forestry buildings and their curtilages as part of farm diversification activities;

ii) within small scale new build adjacent to existing farm buildings or extensions to existing farm buildings as part of farm diversification proposals; or

iii) using existing areas of hardstanding for outdoor compositing operations.

All proposals for farm based waste management facilities will be required to demonstrate that the management of waste is ancillary and appropriate in scale to the existing primary use of the site and that the waste to be managed arises either on site or within the local area.

All proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities".

4.6 County Durham Plan Application Site Designations

4.6.1 An extract of the adopted proposals map is provided below:

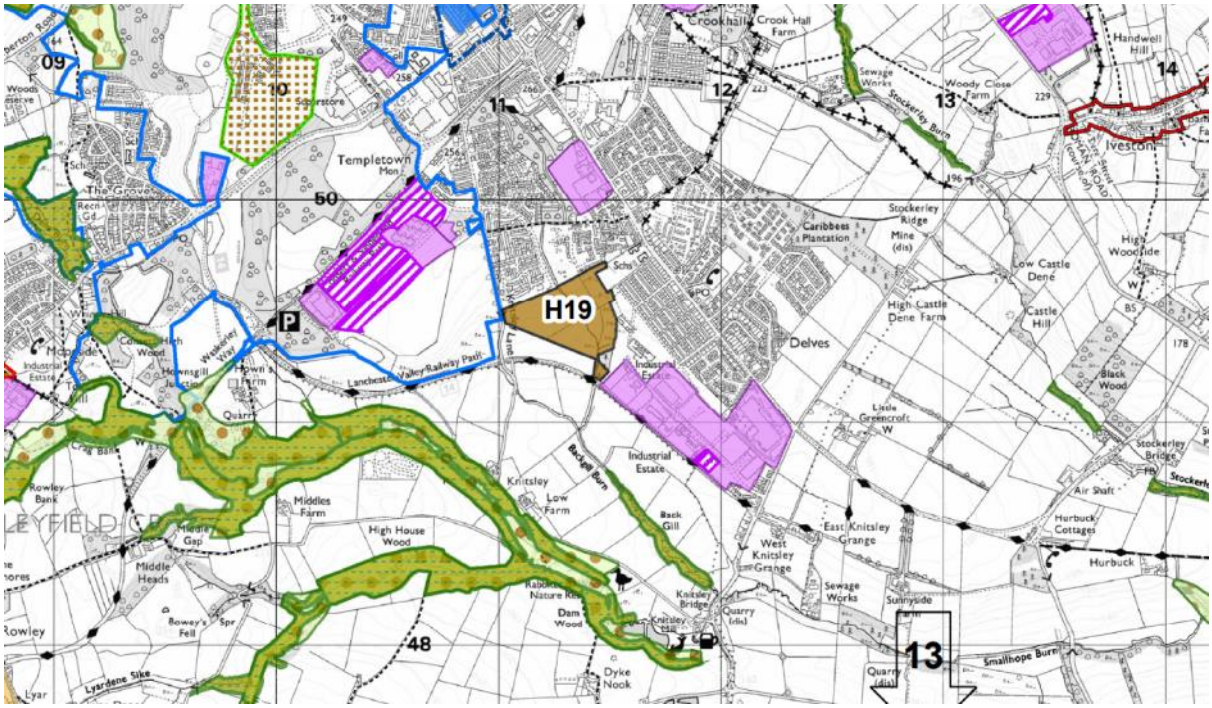

Figure 4.1: Proposals map

4.6.2 The site is allocated as follows:

- Within the Boundary for Project Genesis
- Employment Land (Allocation)
- Employment Land (Protected Site)

4.6.3 The policies of relevance are detailed below.

Policy 2: Employment Land

4.6.4 Policy 2 seeks to identify undeveloped land and plot for employment land and allocates them for B1 (Business), B2 (General Industrial) and B8 (Storage) unless specifically stated.

4.6.5 Project Genesis is referred to specifically and states that:

"In order to continue to progress the regeneration of Consett the council will support mixed use development on the Project Genesis site, as shown on the policies map, including a site of 10.8 hectares at Hownsgill Industrial Estate for general employment land, provided the development accords with relevant development plan policies".

4.6.6 Supporting paragraph 4.28 continues to provide additional guidance associated with the project Genesis Trust stating that:

"4.38 The Project Genesis Trust was formed in 1994 as a registered charity in order to regenerate the site of the former Consett Steelworks and reinvest the funds from the development in the provision of environmental, recreational and social benefits to local people. Project Genesis prepared a concept masterplan for the site in 2012 to determine the developable zones and the types of uses the site can support. Approximately 40% of the developable land identified in the Masterplan has now either been completed or is under construction including a number of new commercial developments principally a supermarket, coffee shop, restaurant, a significant amount of new housing, including affordable housing and housing for older people, a new building for Derwentside College and a number of new industrial premises and offices for local and international businesses. In addition, 10.8 hectares of land is allocated at Hownsgill as part of the Masterplan to support further jobs growth and contribute to the ongoing regeneration of the town. The important role of Project Genesis in continuing to bring forward further development in the future is recognised, as are the benefits it has to the community of Consett both socially and economically and in terms of regenerating the built and natural environment".

4.7 County Durham Plan: Other relevant policies

4.7.1 The following general planning policies will also be relevant to a development proposal on the application site:

- **Policy 21:** Delivering Sustainable Transport
- **Policy 25**: Developer Contributions
- **Policy 26:** Green Infrastructure
- **Policy 29:** Sustainable Design
- **Policy 31:** Amenity and Pollution
- **Policy 32:** Despoiled, Degraded, Derelict, Contaminated and Unstable Land
- **Policy 33:** Renewable and Low Carbon Energy
- **Policy 35:** Water Management
- **Policy 36:** Water Infrastructure
- **Policy 39:** Landscape
- **Policy 40:** Trees, Woodlands and Hedges
- **Policy 41:** Biodiversity and Geodiversity
- **Policy 42:** Internationally Designated Sites
- **Policy 43:** Protected Species and Nationally and Locally Protected Sites

4.7.2 These policies are outlined briefly below.

Policy 21

4.7.3 Policy 21: Delivering Sustainable Transport states that transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. All development shall deliver sustainable transport by:

a. *delivering, accommodating and facilitating investment in safe sustainable modes of transport in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles;*
b. *providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users;*
c. *ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements; and*
d. *ensuring the creation of new or improvements to existing routes and facilities do not cause unacceptable harm to the natural, built or historic environment.*

All development should have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans. Any new routes should not have an unacceptable adverse impact on environmental or heritage assets.

Proposals for new development should comply with the council's Parking and Accessibility Standards and accommodate current and future demand for low emission vehicles".

Policy 25

4.7.4 Policy 25: Developer Contributions states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.

4.7.5 In respect of planning conditions, developers will be required to adhere to specific, fair and reasonably practicable planning conditions as a means of mitigating any adverse effects resulting from a development.

4.7.6 In respect of planning obligations, developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms.

4.7.7 In order to ensure that the mitigation and any associated benefits of a scheme are secured and sustainable development achieved, review mechanisms and/or an overage payment clauses may be built into Planning Obligations to ensure that contributions can be periodically reviewed to reflect any changes in circumstances or market conditions seeking to ensure that where market conditions have improved, the scheme can deliver all requirements in full.

Policy 26

4.7.8 Policy 26: Green infrastructure states that development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. This will in turn help to protect and enhance the county's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives.

4.7.9 Development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.

Policy 29

4.7.10 Policy 29: Sustainable Design is a very broad policy, with relevant parts to the planning application being:

"*All development proposals will be required to achieve well designed buildings and places in accordance with local guidance documents, and:*

a. contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities;

b. create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security;

c. minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable development should utilise renewable and low carbon technologies as the main heating source;

d. minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials;

e. provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties; and

f. contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.

Landscape proposals should:

g. respond creatively to topography and to existing features of landscape or heritage interest and wildlife habitats;

h. respect - and where appropriate take opportunities to create - attractive views of and from the site;

i. reflect in the detailed design any features characteristic of the locality such as boundaries, paving materials and plant species;

j. create opportunities for wildlife including though the use of locally native species;

k. make appropriate provision for maintenance and long term management; and

l. in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.

(…)

All major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent)

(…)".

Policy 31

4.7.11 Policy 31: Amenity and Pollution states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.

4.7.12 Development which has the potential to lead to or be affected by unacceptable levels of air quality; inappropriate odours; noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on either the environment, amenity of people or human health to an acceptable level.

4.7.13 Development which does not minimise light pollution and demonstrate that the lighting proposed is the minimum necessary for functional or security purposes will not be permitted.

4.7.14 Sensitive development (such as housing, schools and hospitals) will not be permitted near to an existing or potentially polluting development including waste water and sewage treatment facilities. Potentially polluting development will not be permitted near to sensitive uses unless satisfactory mitigation can be demonstrated.

Policy 32

4.7.15 Policy 32: Despoiled, Degraded, Derelict, Contaminated and Unstable Land states that development will not be permitted unless the developer can demonstrate that:

"a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;

b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and

c. all investigations and risk assessments have been undertaken by an appropriately qualified person".

Policy 33

4.7.16 Policy 33: Renewable and Low Carbon Energy states that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits.

4.7.17 Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

Policy 35

4.7.18 Policy 35: Water Management states that, in respect of flood risk and sustainable drainage systems, all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA) where appropriate. Development will not be permitted unless:

"a. in the functional floodplain (flood zone 3b), as identified in the Strategic FRA, it is water compatible or essential infrastructure;

b. in flood zones 2 and 3a it passes the Sequential Test, and if necessary the Exceptions Test, as required by national policy; and

c. it can be proven through a FRA that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall".

Regarding Surface Water Flood Risk:

d*. for major developments (130) the management of water must be an intrinsic part of the overall development;*

e. on all new development there is no net increase in surface water runoff for the lifetime of the development. Where greenfield sites are to be developed, the runoff rates must not exceed and where possible should reduce the existing greenfield runoff rates. On previously developed land, as close as practicable to a greenfield rate must be achieved. In exceptional cases where the developer can satisfactorily demonstrate that greenfield run-off rates are unachievable, a betterment rate (which should be a minimum of 50% of the existing site run-off rate) will be agreed with the council. Surface water run-off must be managed at source wherever possible and disposed of in the following order:

1. To an infiltration or soak away system.

2. To a watercourse open or closed.

3. To a surface water sewer.

4. To a combined sewer.

Policy 36

4.7.19 Policy 36: Water Infrastructure provides for the following:

"Disposal of Foul Water – in the consideration of development proposals, the hierarchy of drainage options that must be considered and discounted for foul water are (in the following order):

1. Connection to the public sewer;

2. Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption);

3. Septic Tank (which must drain into an appropriate soak away and not discharge directly into a watercourse).

Applications involving the use of non-mains methods of drainage (including Septic Tanks/Cess Pits) will not be permitted in areas where public sewerage exists.

In respect of Sewage and Waste Water Infrastructure, proposals for new or extensions/improvements to existing water treatment, waste water, sludge or sewage treatment works will be permitted, unless the adverse impact of development outweighs the need for greater capacity and other benefits.

In respect of Flood Defence Infrastructure, proposals for additional flood defences will be permitted only where it can be demonstrated that the proposal represents the most sustainable response to a particular threat and demonstrates long term maintenance can be achieved.

Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted".

Policy 39

4.7.20 Policy 39: Landscape states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.

4.7.21 Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.

4.7.22 Development affecting valued landscapes, defined as Areas of Higher Landscape Value and shown on Map H, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.

4.7.23 Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

Policy 40

4.7.24 Policy 40: Trees, Woodlands and Hedges states that in respect of trees, proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Policy 41

4.7.25 Policy 41: Biodiversity and Geodiversity states that Proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.

4.7.26 Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features, and provide net gains for biodiversity including by establishing coherent ecological networks. Measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.

4.7.27 Proposals for new development will be expected to protect geological features and have regard to Geodiversity Action Plans, the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.

4.7.28 Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted, where they accord with other relevant policies in the Plan.

4.7.29 Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) (such as peatlands or lowland fen) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Policy 42

4.7.30 Policy 42: Internationally Designated Sites states that development that has the potential to have an effect on an internationally designated site/sites, (including all development within 0.4 kilometres of the sites, as shown on Map B of the policies map document), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

4.7.31 Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68.

4.7.32 Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where

necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered during the Appropriate Assessment.

4.7.33 Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity. Development proposals which have an adverse impact on mitigation or compensation measures will not be allowed.

Policy 43

4.7.34 Policy 43: Protected Species and Nationally and Locally Protected Sites states that all development proposals in, or which are likely to adversely impact upon (either individually or in combination with other developments), any of the following national designations (where not a component of an internationally designated site):

- Sites of Special Scientific Interest
- National Nature Reserves

will only be permitted where the benefits of development in that location clearly outweigh the impacts on the interest features on the site and any wider impacts on the network of sites.

4.7.35 All development proposals in, or which are likely to adversely impact upon, any of the following local designations:

- Local Sites (Geology and Wildlife)
- Local Nature Reserves (LNRs)

4.7.36 will only be permitted when it can be demonstrated that the benefits of development in that location outweigh the impacts on the local nature conservation interest or scientific interest on the site and any wider impacts on the network of sites.

4.7.37 In all cases where development impacts adversely on a designated site, mitigation, or as a last resort compensation, must be provided and it must be demonstrated that the proposed mitigation or compensatory measures are appropriate to the designations assigned to the site and deliver clear net gains for the habitats and/or species assemblages the site is designated for.

4.7.38 In relation to protected species and their habitats, all development which, alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless:

a. appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand; and

b. where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status.

4.8 Project Genesis Masterplan

4.8.1 Project Genesis was formed after the closure of the Consett steel works, with the intension to comprehensively redevelop the redundant land. The development has invested millions into the local economy so far and is seeking to continue to do so through future projects.

4.8.2 A comprehensive masterplan was submitted as part of the Trust's representations to the draft County Plan, covering the full Project Genesis site area. A Statement of Common Ground was subsequently agreed with Durham Council as part of the examination stages.

4.8.3 In his examination report of the Durham Plan of the 17th September 2020 stated that:

"272. Policy 2 refers to the Council supporting mixed use development on the Project Genesis site as shown on the Policies Map including 10.8 hectares at Hownsgill Industrial Estate for general employment uses. In order to ensure that the Plan is effective and justified, policy 2 needs to be modified to clarify that all such development will need to accord with relevant policies, and paragraph 4.37 needs to refer accurately to the masterplan and key developments that have taken place on the site of the former steelworks since the 1990s [MM21]. The Policies Map needs to be amended to show the area to which the policy applies for it to be effective".

4.8.4 This masterplan is now referenced within the adopted County Plan.

4.8.5 In respect of the application site, the agreed masterplan shows that office, general industrial, storage, distribution and energy plant are all intended appropriate uses for this part of the wider regeneration site. A snapshot of the masterplan is provided within Figure 4.2 below.

Figure 4.2: Masterplan

4.9 Summary of national legislation, planning policy and strategies

Waste (England and Wales) Regulations 2011

4.9.1 The WFD has been transposed through the Waste (England and Wales) Regulations 2011 (as amended). These set out, provisions in respect to waste prevention programmes, waste management plans, duties in relation to waste management, the use of waste as a resource and the duties of planning authorities.

4.9.2 Part 5 (paragraph 12) places a duty on an establishment that deals with waste to take all reasonable measures to apply the waste hierarchy. A departure may be made so as to achieve the best overall environmental outcome where it is justified by `life-cycle thinking' on the overall impacts of the generation and management of the waste.

4.9.3 Paragraph 4 (Part 1 of Schedule 1) sets out the following requirements in relation to the key waste management principles of self-sufficiency and proximity:

"a) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including, where such collection also covers such waste from other producers, taking into account best available techniques.

The network must be designed to enable the European Union as a whole to become self-sufficient in waste disposal and in the recovery of mixed municipal waste collected from private households, and to enable the United Kingdom to move towards that aim taking into account geographical circumstances or the need for specialised installations for certain types of waste.

The network must enable waste to be disposed of and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations, by means of the most appropriate technologies, in order to ensure a high level of protection for the environment and human health."

National Planning Policy Framework (February 2019)

4.9.4 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for development can be produced. The NPPF should be used in conjunction with the Government's Planning Policy for Waste.

4.9.5 The purpose of the NPPF is to contribute to the achievement of sustainable development.

4.9.6 Paragraph 8 states that:

'*achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

Economic

Social

Environmental'

4.9.7 Paragraph 9 states that:

'These objectives should be delivered through… the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'

4.9.8 Paragraph 80 states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'

4.9.9 Paragraph 108 states:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

Safe and suitable access to the site can be achieved for all users; and

Any significant impacts of the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

4.9.10 Supported by paragraph 109, which states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

4.9.11 Paragraph 124 states:

'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

4.9.12 Paragraph 148 states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

4.9.13 Paragraph 180 states:

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'.

4.9.14 Paragraph 181 states:

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality

Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.'

National Waste Management Plan for England (2014)

4.9.15 The Waste Management Plan for England (WMPE), fulfils an obligation under Article 28 of the revised WFD (2008/98/EC) for competent authorities to establish waste management plans that cover all of their territory. The plan is a high level document which is non–site specific, that replaces Waste Strategy 2007. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised WFD.

4.9.16 The WMPE notes that there are comprehensive waste management policies in place in England that deliver upon the revised WFD objective which is:

"to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use".

4.9.17 As such, the WMPE does not introduce new waste management policies, but rather its aim is to bring current waste management policies under the umbrella of one national plan. This includes reference to the waste hierarchy, of which other recovery forms an important part in diverting waste from landfill. It confirms that:

"*The Government, supports efficient energy recovery from residual waste – of materials which cannot be reused or recycled - to deliver environmental benefits, reduce carbon impact and provide economic opportunities."*

4.9.18 The government places importance on ensuring that the right waste management infrastructure is in place, at the right time, and in the right location. Appropriate waste reprocessing and treatment infrastructure should be constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources.

4.9.19 The WMPE also reflects the 'proximity principle', enshrined within the WFD. This requires a network of waste management facilities to be established to enable waste to be disposed of, or to be recovered, none of the nearest installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

National Planning Policy for Waste (2014)

4.9.20 The Waste Management Plan for England (2013) and the National Planning Policy for Waste (NPPW) (2014) sets out the National Planning Policy context for the management of waste.

4.9.21 The Waste Management Plan for England provides an analysis on waste management in England and sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

4.9.22 The National Planning Policy for Waste (2014) sets out the government's detailed waste planning policies; and that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
- Ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;
- Helping to ensure the re-use, recovery and disposal of waste without endangering human health or harming the environment; and
- Ensuring the design and layout of new residential, commercial and other development complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

4.9.23 Paragraph 3 states:

'In preparing Local Plans, waste planning authorities should…' '…drive waste management up the waste hierarchy (figure 1.5.1), recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal'.

4.9.24 Paragraph 4 states:

'Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should sider the suitable siting of such facilities to

enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers'.

4.9.25 Paragraph 7 recognises that:

"When determining waste planning applications, waste planning authorities should:

only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need".

4.9.26 Appendix B of the NPPW sets out the locational criteria for waste management facilities as follows:

a. protection of water quality and resources and flood risk management Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.

b. land instability: Locations, and/or the environs of locations, that are liable to be affected by land instability, will not normally be suitable for waste management facilities.

c. landscape and visual impacts: Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.

d. nature conservation: Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.

e. conserving the historic environment: Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.

f. traffic and access: Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.

g. air emissions, including dust: Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.

h. odours: Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.

i. vermin and birds: Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (ODPM Circular 1/20035) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the policies map in the Local Plan).

The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.

j. noise, light and vibration: Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered.

k. litter: Litter can be a concern at some waste management facilities.

l. potential land use conflict: Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility.

Our Waste, our Resources: A Strategy for England (2018)

4.9.27 This is the first update of national waste strategy since the 2011 Waste Review. Linked to the government's 25 year Environmental Plan, which pledges to leave the environment in a better condition for the next generation, it aims to move the UK to a more circular economy, essentially by keeping resources in use for longer and extracting maximum value. It focuses on particular waste problems such as single use plastics, confusion over recycling systems and a reduction in packaging waste.

4.9.28 The strategy is framed by natural capital thinking and guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

4.9.29 The strategy is supported by five strategic principles, the most relevant to this application being 'to prevent waste from occurring in the first place, and manage it better when it does'. It will contribute to five strategic ambitions. These are:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025
- To work towards eliminating food waste to landfill by 2030
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan
- To double resource productivity by 2050 and
- To eliminate avoidable waste of all kinds by 2050.

4.9.30 It highlights 36 that the UK continues to rely on landfill, with 12 million tonnes of municipal waste sent to landfill in 2016. This is a major concern and the strategy aims to eliminate biodegradable waste to landfill. Importantly, it recognises that growth in energy from waste and alternative waste treatment infrastructure will be expected to divert further waste from landfill.

4.9.31 Chapter 3 specifically addresses recovering resources and managing waste. In addition to improving recycling rates and reducing greenhouse gas emissions from the landfill of biodegradable waste, the strategy seeks to drive greater efficiency of EfW plants with only eight existing plants operating in CHP mode.

4.9.32 The government wishes to increase the efficiency of energy from waste by using the heat produced and is providing funding (via the Heat Network Investment Fund) to utilise energy from waste as a source of heat for district heat networks where this is possible. They will consider how to ensure that future energy from waste plants are situated near potential heat customers. It intends to ensure that the WPFE, NPPW and supporting planning guidance reflect the 2018 resource strategy for England.

4.9.33 The strategy confirms that the government will work with industry to secure a substantial increase in the number of energy from waste plants that are formally recognised as achieving recovery status, and will ensure that all future EfW plants achieve recovery status (R1 status).

4.9.34 The strategy indicates that on current waste projections, further market investment in residual waste treatment infrastructure is welcomed. It states:

"*We particularly encourage developments that increase plant efficiency, minimise environmental impacts whilst upholding our existing high standards of emissions control, and progress technologies that produce outputs beyond electricity generation where these are demonstrated to be environmentally sound and economically viable".*

4.9.35 The existing facilities perform a valuable role within the waste hierarchy, reducing the amount of waste disposed of to landfill and recovering energy in a sustainable way. As such it helps to maximise the value of residual waste as a resource and minimise its impact on the environment.

4.9.36 Plastics recycling and pollution are also discussed within the strategy, which states that:

"The UK welcomes international collaboration on preventing and reducing plastic waste. The actions listed in the EU's plastics strategy and its proposed Directive 28 on reducing the impact of certain plastic products on the environment are broadly consistent with Government policy in this area. The UK supports this initiative and welcomes the EU in following our lead and recognising the importance of addressing plastic pollution. We will match or where economically practicable exceed the Directive's ambition".

A Green Future: Our 25 Year Plan to Improve the Environment 2018

4.9.37 The 25 Year Environmental Plan sets out the government action to help the natural world regain and retain good health.

4.9.38 The goals are cited as follows:

- Clean air
- Clean and Plentiful Water

- Thriving plants and wildlife
- A reduced risk of harm from environmental hazards such as flooding and drought
- Using resources from nature more sustainably and efficiently
- Enhanced beauty, heritage and engagement with the natural environment.
- In addition, the plan seeks to manage pressures on the environment by:
- Mitigating and adapting to climate change
- Minimising waste
- Managing exposure to chemicals
- Enhancing biosecurity

Energy from Waste – A guide to the debate (DEFRA) February 2013

4.9.39 DEFRA's guide on energy from waste was first published in 2013 and updated in 2014. The guide states that energy from waste can co-exist with high recycling and low landfilling, provided sufficient flexibility is provide din contracts, plants and processes to adapt to potential long term changes in waste arisings and composition and continue to drive waste management further up the hierarchy.

4.9.40 Energy from waste is recognised as not just being about waste management but also as an energy source, highlighting that:

- The energy it produces is a valuable domestic energy source contributing to energy security;
- As a partially renewable energy source it can also contribute to our renewable energy targets which are aimed at decarbonising energy generation.
- It has the added advantage that it is non-intermittent, so it can complement other renewable energy sources such as wind or solar.

4.10 Summary of European Legislation and Guidance

The Waste Framework Directive (2008/98/EC)

4.10.1 European Policy sets out requirements that member states must comply with in terms of waste management. The Waste Framework Directive (2008/98/EC) is relevant to the proposed application.

4.10.2 The Waste Framework Directive (2008/98/EC) is the principal piece of EU legislation relating to waste. It requires measures to be implemented to ensure that waste is recovered or disposed of without endangering human health or causing harm to the environment. A key principle of the directive is the waste hierarchy, with the objective to manage waste as near to the top of the hierarchy as possible and improve resource efficiency across all EU Member States.

EU Action Plan for a Circular Economy

4.10.3 The EU Action Plan for a Circular Economy was published in December 2015 and aims to stimulate Europe's transition towards a circular economy which will boost global competitiveness, foster sustainable economic growth and generate new jobs. The actions proposed within the package will contribute to 'closing the loop' of product lifecycles through greater recycling and reuse and bring benefits for both the environment and the economy. This will be achieved through extracting the maximum value and use from all raw materials, products and waste, fostering energy savings and reducing greenhouse gases.

The Landfill Directive

4.10.4 Under the waste hierarchy, landfill is considered to be the least sustainable option for waste management. The Landfill Directive 1999/31/EU was introduced in 1999 to reduce member states' reliance on landfill, thus reducing the effects of landfill on the environment and the risk to human health. As part of this the Landfill Directive set challenging targets for the reduction in biodegradable waste sent to landfill.

4.10.5 The targets for landfill reduction are based on the weight of waste that each member state landfilled in 1995. By 2016, the landfill of waste should be no more than 35% of the 1995 baseline figure. Intermediate targets of 75% in 2006 and 50% in 2009 are included in the Directive. Member states relying on landfill for more than 80% of all household and municipal waste in 1999 were able to seek a four-year extension to these dates. The UK successfully gained a derogation.

4.10.6 The Landfill Directive was transposed into national legislation through the Landfill (England and Wales) Regulations 2002, which were subsequently amended in 2004 and 2005.

4.10.7 In addition to waste recycling targets, and the separate collection of textiles and hazardous wastes, the CEP requires member states to ensure by 2030 that all waste suitable for recycling or recovery shall not be sent to landfill, unless this is the most environmentally suitable outcome. The Landfill Directive has been amended (2018/850) under the CEP which introduced a landfilling ban for separately collected waste and limits the share of municipal waste landfilled to 10% by 2035.

Industrial Emissions Directive (IED)

4.10.8 The IED 2010/75/EU is the main instrument for regulating emissions from industrial installations. It provides a high level of protection for human health and the environment by reducing harmful industrial emissions across all member states.