



Planning Policy Statement (PPS 11)

Planning & Waste Management



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Planning and Waste Management

Planning Policy Statements (PPSs) set out the policies of the Department of the Environment on particular aspects of land-use planning and apply to the whole of Northern Ireland. Their contents will be taken into account in preparing development plans and are also material to decisions on individual planning applications and appeals.

This PPS sets out the Department's planning policies for the development of waste management facilities. It seeks to promote the highest environmental standards in development proposals for waste management facilities and includes guidance on the issues likely to be considered in the determination of planning applications. In addition, it explains the relationship between the planning system and authorities responsible for the regulation and management of waste.

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Preamble

The Department of the Environment is responsible for planning control and the regulation of waste management in Northern Ireland. The Planning Service, an Agency within the Department, administers its planning functions.

The Environment and Heritage Service (EHS), another agency within the Department, is currently the regulatory body that monitors and enforces environmental standards in relation to pollution control throughout Northern Ireland.

All references within this document to the Department shall refer to the Planning Service unless otherwise stated.

The Department has a statutory duty, laid down in Article 3 of the Planning Order (NI) 1991 to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. The Department's planning policies are normally issued through Planning Policy Statements (PPS's) and PPS 1 "General Principles" advises that:

"Planning Policy Statements set out the policies of the Department on particular aspects of land-use planning and apply to the whole of Northern Ireland. Their contents will be taken into account in preparing development plans and are also material to decisions on individual planning applications and appeals."

This Planning Policy Statement, PPS 11 "Planning and Waste Management" sets out the Department's planning policies for the development of waste management facilities. It seeks to promote the highest environmental standards in development proposals for waste management facilities and includes guidance on the issues likely to be considered in the determination of planning applications. In addition, it explains the relationship between the planning system and authorities responsible for the regulation and management of waste.

The PPS is therefore of direct relevance to the public, those who produce, manage or treat waste as well as landowners, developers, voluntary conservation groups, government departments and agencies, District Councils and other statutory undertakers.

The policies of this Statement supersede the following provisions of the Planning Strategy for Rural Northern Ireland:

Policy PSU 8 New Infrastructure (insofar as it applies to applications for waste water treatment works)

Policy PSU 14 Waste

Where the above policies are referred to elsewhere in the Planning Strategy and with regard to any other expression of planning policy for waste management proposals the policies of this Statement will take precedence.

A screening analysis for Equality Impact Assessment was undertaken during the consultation stage of the preparation of PPS 11. As a result of the screening analysis it was considered that there would be no significant implications for equality of opportunity or community relations as a result of the policies contained in PPS 11. No comments were received during the consultation stage in relation to this matter and the Department is content that its obligations under Section 75 of the Northern Ireland Act 1998 and associated human rights and equality policies have been met.

Targeting Social Need (TSN) effects were also considered. However, it was concluded that if there are TSN implications these are likely to become manifest in relation to waste management at the implementation planning stage when specific sites are under consideration and not at this higher level policy stage. It is therefore considered that the policies contained in this document are unlikely to have TSN implications.

Nothing in this document should be read as a commitment that public resources will be provided for any specific project. All proposals for expenditure by the Department are subject to economic appraisal and will also have to be considered having regard to the overall availability of resources.

1.0 Introduction

- 1.1 Waste is the unwanted by-product of industrial, commercial and domestic activities or anything otherwise discarded. In the British Isles it has grown dramatically in volume and complexity over the last 50 years. The management of waste is an important requirement of modern society and yet it has the potential to result in pollution of air, land and water. Sustainability concerns are raised therefore by waste management and associated development. Similarly the disposal of products derived from non-renewable resources, which could potentially be reused, conflicts with the principle of sustainable development.
- 1.2 These local and international concerns are reflected in the priority now being given to the reduction of waste at source, to its re-use, its recovery by recycling and to its potential as a source of energy. Treatment and disposal of the remainder should also be achieved in a safe and environmentally acceptable manner. All of these activities need to be carried out in a manner consistent with the principle of sustainable development and without imposing an unnecessary burden on industry and local authorities.

Strategic Context and General Principles

- 1.3 The Northern Ireland Executive's Programme for Government seeks to ensure that the principle of sustainable development underpins all government policy and it is one of the key themes underlying the Department's approach to planning. It can be described as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"¹. Reducing, recycling and the safe management of waste is a continuing priority for the Executive.
- 1.4 Relevant EC Directives, the Regional Development Strategy (RDS), and the Department's Waste Management Strategy for Northern Ireland (WMS) provide a strong directional framework and context for this Planning Policy Statement. The Northern Ireland Executive and national government are committed to implementing a number of Directives on waste (see Annex C). These comprise an emerging legal framework that sets out how waste must be planned for and managed in Northern Ireland. Changes in the legal, environmental and technological context require new aims, objectives and priorities to achieve sustainable waste management. They also require new attitudes, approaches and solutions across all sectors to set in train the radical change required in the management of waste. Responsibility for the sustainable management of waste does not lie solely with the Department of the Environment. It is shared by everyone – government departments and agencies, District Councils, the business sector, voluntary bodies, and by individual citizens, in this context, as generators of waste. The framework is set out in the

¹ Our Common Future (The Brundtland Report) – Report of the 1987 World Commission on Environment and Development.

WMS. It identifies the need for a partnership approach involving a wide range of organisations, the general public and individuals. This PPS will not therefore achieve the changes required alone but it can make an important contribution in this partnership approach.

The EC Framework Directive and Landfill Directive

- 1.5 The EC Framework Directive on Waste and the more recent Landfill Directive, set out a common framework for action on waste by individual countries within the European Community. The Framework Directive aims at a strategic approach to waste management that protects human health and the environment by establishing an integrated and adequate network of waste facilities. To achieve this, member states are required to produce waste management plans, setting out their abilities and capacities to manage their own waste arisings, using such networks of facilities. These will enable the EC to be self-sufficient and to deal with waste as close as possible to its point of origin. The aim is also to minimise waste production and to recover as much as possible of the waste produced through recycling, recovery and reuse. This Directive is implemented through the Waste and Contaminated Land (Northern Ireland) Order 1997.
- 1.6 The EC Landfill Directive sets stringent requirements for the landfilling of wastes. The key requirements of the Directive are:
 - reduction in the amount of biodegradable municipal waste (BMW) to be landfilled;
 - classification of landfill sites into three categories: Inert, Hazardous and Non Hazardous;
 - banning of liquid wastes and certain other hazardous wastes and tyres from landfill and application of waste acceptance criteria for the various classes of landfill;
 - treatment of wastes prior to landfill, and
 - specific technical standards for landfill development control and monitoring, including location considerations.

At present over 90% of Northern Ireland's waste goes to landfill. For the UK as a whole, the Directive requires reduction of the amount of BMW going to landfill to 35% of the 1995 levels by 2020.

The classification of landfill sites, waste acceptance criteria and technical standards for landfill will affect all new landfill development proposals. In addition operators of existing sites will be required to complete conditioning plans to demonstrate compliance with the standards of the Landfill Directive. Sites that cannot realistically meet the required standards will be required to close. Operators and developers should

liaise with the Department and the relevant pollution control authorities as to planning permission that may be necessary for such works.

Regional Development Strategy

- 1.7 Shaping our Future: The Regional Development Strategy for Northern Ireland 2025 (RDS) provides an overarching, strategic policy framework to guide the future development of Northern Ireland to 2025. The strategy aims to promote a balanced and equitable pattern of sustainable development across Northern Ireland.
- 1.8 The RDS promotes the development of a Waste Management Strategy for Northern Ireland and sets the following guidelines for the development of policy for waste management, for the location of waste treatment and for waste disposal facilities:

Strategic Planning Guideline; Environment 5.4 (SPG - ENV 5.4) Promote the Waste Management Strategy for Northern Ireland:

- work in partnership with industry to create an economy based on sustainable waste management practices, supporting and influencing opportunities for reducing the amount of waste generated;
- provide an extensive network of recycling, recovery and secondary materials manufacturing facilities, and develop an integrated regional network of a limited number of landfill sites, closely related to the key transport corridors to minimise environmental impacts on residential neighbourhoods and tranquil rural areas; and
- locate waste treatment facilities on a limited number of key sites conveniently related to the major centres of urban waste production.

Waste Management Strategy

- 1.9 The Waste Management Strategy for Northern Ireland (WMS), published in March 2000, establishes the framework for the substantial action required to change waste management practices in Northern Ireland.
- 1.10 The key aim of the WMS is to achieve fully sustainable waste management through the controlled reduction in landfill, waste minimisation and a significant increase in waste recycling and recovery. It paves the way for changing waste management practices in Northern Ireland and also provides a framework for the preparation by District Councils of Waste Management Plans (WMPs) under Article 23 of the Waste and Contaminated Land Order (Northern Ireland) 1997.

- 1.11 WMPs set out plans for the collection, treatment and disposal of controlled waste in their respective areas. In doing so they take account of the Best Practical Environmental Option (BPEO) (see Paragragh 1.28) for different waste streams and the other principles of the WMS. Waste Management Plans establish the need for particular types of facilities, set out site selection criteria, and may identify potential locations. They also set targets for recycling and recovery of waste and for the progressive reduction in the amount of waste to be disposed of to landfill.
- 1.12 The necessary changes in waste management will require the development of a new supporting infrastructure to provide an integrated network of recycling and recovery facilities and a limited number of landfill sites.
- 1.13 The WMS encourages District Councils to form partnerships for the preparation of WMPs which will be the basis for the establishment of an integrated network of sub-regional waste management facilities. This has resulted in the formation of three groups:-
 - The Eastern Region Waste Management Group with 11 councils
 - The North West Region Waste Management Strategy Group with 7 councils; and
 - The Southern Waste Area Management Group with 8 councils.
- 1.14 The needs identified in the WMPs will provide the basis for the development of proposals by District Councils and private operators with respect to the nature, character and location of the new generation of waste management facilities.
- 1.15 PPS 11 has an important role in supporting the development of a range of waste management facilities consistent with the principles and objectives of the WMS and WMPs. Consequently, both the WMS and WMPs are important material considerations in assessing development proposals for waste management facilities.

1.16 **Principles of Sustainable Waste Management**

The key principles of sustainable waste management that underpin the WMS are:

- 1 Sustainable development;
- 2 The waste management hierarchy;
- 3 The proximity principle;
- 4 Regional self sufficiency;
- 5 The development of integrated waste management facilities;
- 6 A reduction in the amount of waste being landfilled; and
- 7 The "Best Practicable Environmental Option" (BPEO).

1.17 Sustainable Development

A UK Sustainable Development Strategy - A Better Quality of Life² was published in May 1999. At the heart of the Strategy is the principle of ensuring a better quality of life for everyone, now, and for generations to come by seeking to meet four parallel objectives of sustainable development:

- Social progress which recognises the needs of everyone;
- Effective protection of the environment;
- Prudent use of natural resources; and
- Maintenance of high and stable levels of economic growth and employment.
- 1.18 The UK Strategy recognised that the devolved administrations have a key role to play in establishing their own sustainable development policies, which reflect their institutions, landscape, culture and way of life. The Northern Ireland Executive has accepted these principles as consistent with its vision and priorities in the Programme for Government and has endorsed them as the basis for its approach to sustainable development. The principle of sustainable development is reflected in the RDS and it is a key aim of the WMS to achieve fully sustainable waste management. Similarly, in assessing all proposals for waste management facilities the Department will be guided by the principle of sustainable development, which is one of the key themes underlying the Department's approach to planning.
- 1.19 Protecting the environment and human health are key principles in considering the development of waste management facilities or assessing other development in the vicinity of such facilities. In assessing such proposals the Department will be guided by the precautionary principle and the polluter pays principle (See below). The Department will also

² A Better Quality of Life, a Strategy for Sustainable Development for the United Kingdom, DETR, 1999.

take into consideration the most recent research by the responsible government agencies into possible health effects of various types of waste management facility. In addition, the Department will consider the potential to mitigate adverse effects through controls excercised by pollution control authorities.

1.20 The precautionary principle, outlined in Planning Policy Statement 1, General Principles, advises that where there are significant risks of damage to the environment associated with a development proposal, its protection will be paramount unless there are imperative reasons of overriding public interest. In some cases, it may be possible to grant planning permission for a particular waste management facility subject to conditions and/or a planning agreement to mitigate or compensate for any adverse environmental effects. The polluter pays principle means that polluters should pay the full costs of any measures required to protect the environment as a result of their actions.

1.21 The Waste Management Hierarchy

The Waste Management Hierarchy (see Figure 1) is at the centre of European waste management policy. The hierarchy indicates the relative priority of different methods of managing waste, and informs the process of drafting waste management policy and planning initiatives on how to progress towards more sustainable waste management practices. The Waste Management Strategy promotes more sustainable waste management practices based on this hierarchy.





The appropriate management option in a particular case will vary according to the source of the waste and local considerations. A sustainable approach to waste management requires greater emphasis on options at the top of the hierarchy and less reliance on waste disposal to landfill without recovery. 1.22 Waste Minimisation is at the top of the waste hierarchy and is a critical element of sustainable waste management. The planning system can do little to prevent materials from being discarded in the first place or to reduce the level of hazard associated with those materials being discarded. However, the planning system can encourage the better use of resources and promote waste minimisation in new development (see Annex B). Effective recycling and reuse of materials can further reduce the demand for new resources and prevent discarding of materials. These steps together with a reduction in the amount of waste going to landfill can all contribute to waste minimisation.

1.23 The Proximity Principle

The Proximity Principle highlights a need to treat and/or dispose of wastes in reasonable proximity to their point of generation. The principle works to minimise the environmental impact and cost of waste transport.

1.24 Regional Self Sufficiency

Self sufficiency is a central tenet of EC legislation which requires all member states to apply this principle in their waste management practices at national level, and, as far as practicable, also at regional and sub-regional levels. The UK's commitment to self sufficiency at the national level is outlined in the UK Management Plan for Exports and Imports of Waste³.

1.25 As with the proximity principle most waste should be treated and managed within the region in which it is generated provided there are no unacceptable adverse effects - on people, the environment or transportation systems. The principle of regional self sufficiency cannot always be rigidly applied given that commercial considerations may override boundary issues. Also it may not be feasible or practical to treat certain wastes (e.g. special or hazardous wastes) close to its source of arising or within the region in which it is generated. The relevant WMP should be consulted for more information on this issue.

1.26 **The development of integrated waste management facilities** The context for consideration of the development of integrated waste management facilities is provided within WMPs. Integrated activities minimise the need for transportation. Their location and character is informed by the waste management hierarchy, the proximity principle, and the other waste management principles listed herein. The benefits of integrated waste management should be balanced by any cumulative negative impacts associated with the development, for example noise, traffic and other nuisance.

³ United Kingdom Management Plans for Exports and Imports of Waste, HMSO 1996 (under review).

1.27 Reduction in the amount of waste being landfilled

The Landfill Directive requires a substantial reduction in the amount of biodegradable municipal waste being landfilled and the pre-treatment of all waste sent to landfill. The contribution a proposed development makes to reducing the amount of waste being landfilled by waste minimisation or integrated waste management is a material planning consideration as is the extent of pre-treatment and its effect in minimising reusable materials going to land fill.

1.28 **BPEO**

The concept of Best Practicable Environmental Option (BPEO) was first outlined in the Fifth Report of the Royal Commission on Environmental Pollution (RCEP) in 1976. The concept was elaborated in their Twelfth Report, "The Best Practicable Environmental Option" (1988) which showed that it involved a balancing of criteria, including technology, financial costs and pollution impacts. The concept was introduced into UK Legislation through Part I of the Environmental Protection Act, specifically for those prescribed processes regulated under Integrated Pollution Control (IPC), and is now at the heart of waste management decision making in the UK. The RCEP's Twelfth Report defines BPEO as "the outcome of a systematic consultative and decision making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes, for a given set of objectives, the option that provides the most benefits or the least damage to the environment, as a whole, at acceptable cost, in the long term as well as the short term."

1.29 BPEO is a key principle in pursuing greater sustainability in waste management. In the context of waste management planning, the "options" considered are specific combinations of methods for the collection, transport, treatment and disposal of waste, including recycling and recovery. As indicated above, the 3 District Council groups have prepared WMPs for sub regions that together cover all of Northern Ireland. Each WMP is seeking to establish the BPEO for waste streams situated in. brought into or taken for treatment or disposal out of their sub-region, i.e. the preferred combination of the various methods that can be used to collect, treat and process waste.

2.0 The Relationship between the Planning and Pollution Control Regimes

2.1 The planning and pollution control systems are separate but complementary systems of control and regulation designed to protect the environment from harm as a result of development and related operations.

Planning Control

- 2.2 Planning control 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.
- 2.3 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.
- 2.4 The Department considers that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. The Department 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.
- 2.5 Nevertheless the dividing line between each system of control is not always clear cut. Planning control 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.

Pollution Control

2.6 The Department's Environment and Heritage Service (EHS) is currently the regulatory body that monitors and enforces environmental standards in relation to pollution control throughout Northern Ireland. The licensing and operational control of waste disposal facilities in Northern Ireland is currently the responsibility of District Councils but is scheduled to transfer to EHS in 2003.

- 2.7 Within EHS, the Waste Management and Contaminated Land Unit, Industrial Pollution and Radiochemical Inspectorate and the Water Management Unit all have important regulatory roles in relation to pollution control. The Industrial Pollution and Radiochemical Inspectorate is currently the regulatory authority for waste incineration and processes applications for authorisation to operate such prescribed processes as required by the Industrial Pollution Control (Northern Ireland) Order 1996.
- 2.8 The Waste Management and Contaminated Land Unit is responsible for the registration of waste carriers, implementation and enforcement of the Duty of Care Regulations and tracking the movement of hazardous waste in accordance with the Special Waste Regulations (Northern Ireland) 1998. The Unit will also take over the role as the regulator for waste management licensing and for the Landfill Directive Regulations, including processing of IPPC⁴ permits for waste management proposals.
- 2.9 Water Management Unit, within EHS, processes applications for consents to discharge, under the Water (NI) Order 1999. Applications for consent to discharge are often required for waste management facilities due to their potential for pollution of groundwater and watercourses.
- 2.10 District Councils have various pollution control powers including those relating to waste disposal, nuisance, noise and air quality. Under the Pollution Control and Local Government (NI) Order 1978 it is an offence to dispose of controlled waste without a licence. Councils can vary a condition or revoke a licence and under Article 11 of the 1978 Order may require an occupier to remove waste deposited in breach of a condition. Powers available under section 110 of the Public Health (Ireland) Act 1878 enable Councils to issue an abatement notice where material deposited gives rise to a statutory nuisance within the meaning of section 107 of the Act. In preparing conditions attaching to a licence District Councils may have regard to best practice advice contained in the relevant Waste Management Papers ⁵ series originally prepared by DOE (England & Wales) and published by HMSO. As indicated above, the powers relating to waste licensing will transfer to EHS in 2003.

⁴ New Regulations are proposed to transpose the requirements of EC Directive 96/61 on Integrated Pollution Prevention and Control (IPPC). The Regulations are designed to protect the environment through the prevention of or reduction in pollution of air, water and land caused by emissions from industrial installations. Under the Directive Specified Waste Management Activities which includes most landfill sites and certain types of hazardous waste treatment will require permits.

⁵ For example, Waste Management Paper No 4: Licensing of Waste Management Facilities.

Co-ordination

- 2.11 Pollution control authorities will be consulted on planning applications for waste management facilities in order to take account of the scope and requirements of the relevant pollution controls. In assessing such proposals, the weight attached to pollution issues associated with waste management will be reduced to the extent that they are capable of being addressed by the pollution control authority in carrying out its statutory responsibilities and will depend on the circumstances of each case.
- 2.12 Close consultation is essential to a proper understanding of the scope and requirements of the two regimes and decisions based on adequate information can minimise costly delays in the decision making process. The Department will continue to work closely with pollution control authorities and take their advice into account when developing policy, and in decision taking while avoiding duplication between the planning and pollution control systems.
- 2.13 It is recommended that developers discuss applications for planning permission, IPPC permits, licences, consents to discharge and authorisations for proposed waste management facilities with all the relevant authorities prior to submission of proposals. This can help avoid delay in the processing of applications. Wherever possible applications should also be determined in parallel to ensure that all the relevant issues and methods of control are properly considered.
- 2.14 Where authorisation to operate a waste management facility⁶ is sought from EHS or the relevant District Council and planning permission is also required, such permission must be obtained before the permit or licence can be granted.

⁶ The authorisation is referred to as Waste Disposal Licence under the Pollution Control and Local Government (Northern Ireland) Order 1978. IPPC permits will be introduced in 2003 following the transposition of the IPPC Directive and under the Waste and Contaminated Land (Northern Ireland) Order 1997 a new licensing system referring to a Waste Management Licence will be implemented in 2003.

3.0 Policy Objectives

- 3.1 The main objectives of this Planning Policy Statement are to:
 - Promote the development, in appropriate locations, of waste management facilities that offer the BPEO in meeting need as identified by the relevant WMP, or as demonstrated to the Department's satisfaction in the case of waste water treatment works (WWTWs);
 - Ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities are avoided or minimised;
 - Secure appropriate restoration of proposed waste management sites for agreed after-uses.

4.0 Development Plans

- 4.1 During the process of development plan preparation, District Council waste management groups may wish to discuss with the Department the likely extent of future waste management facilities for the particular plan area. As a result, particular sites for the development of waste management facilities may be identified together with the need for appropriate waste management facilities associated with new development.
- 4.2 Development plans will also consider the potential impact of existing or approved waste management facilities when zoning adjoining lands for other forms of development and the need to separate incompatible land uses.
- 4.3 There are specific requirements in respect of polluting and potentially polluting uses, and special or hazardous wastes. The COMAH Directive (EU Directive 96/82/EC) came into force on 3rd February 1999 and requires development plans to consider the location of hazardous installations. Specifically, development plans must consider the need to maintain an appropriate distance between establishments where hazardous substances are present and residential areas, areas of public use or areas of nature conservation interest.

5.0 Planning Policies

In exercise of its responsibility for planning control in Northern Ireland the Department assesses development proposals against all planning policies and other material considerations that are relevant to it.

The planning policies of this Statement must therefore be read together and in conjunction with the relevant contents of the Department's development plans and other policy publications, including the Regional Development Strategy (RDS). The Department will also have regard to the contents of the Waste Management Strategy (WMS), Waste Management Plans (WMPs) and to published supplementary planning guidance documents.

The following policies set out the main planning considerations that the Department will take into account in assessing proposals for the development of facilities for the management of waste and in the assessment of development proposals in the vicinity of existing or approved waste management facilities. The provisions of these policies will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision.

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.

Justification and Amplification

6.1 The key aim of the Waste Management Strategy is to achieve fully sustainable waste management. Consequently, there is a need to ensure that as far as possible all waste management facilities are developed to the highest standards so that waste can be dealt with in a way, which minimises impacts on the environment. In addition, the development of modern facilities can help bring environmental benefits by encouraging more sustainable waste management practices. In considering proposals for new, or extensions to existing, waste management facilities the Department will ensure adequate protection and conservation of the environment. In determining the acceptability of the environmental impact of a proposal the Department will seek advice from relevant expert consultees.

Environmental Information

6.2 Under Article 11 of the Planning (NI) Order 1991 planning permission is required for waste disposal on land whether it consists of engineering operations to infill land, the temporary deposit or the final disposal of waste material on land. Sufficient information should be submitted with a planning application to allow the Department to make an assessment of the potential environmental impact of each proposal. The amount of information required will depend upon the nature, scale and location of the proposal. In general the bigger, or the more technically complex, the scheme the more information that will be required. Where appropriate the Department will use its powers contained in the Planning (General Development) Order 1993 to request applicants to supply such additional information as is considered necessary to allow proper determination of planning applications.

Environmental Impact Assessment

6.3 Certain waste management projects fall within the scope of the Planning (Environmental Impact Assessment) Regulations 1999⁷. Under these Regulations the Department is prohibited from granting planning permission to EIA development unless environmental information, adequate for the particular scheme, has been provided and considered. In such cases a formal Environmental Statement will be required. Environmental Impact Assessment is a method of ensuring that the likely effects of new development on the environment are taken into account as part of the consideration of planning applications. Waste disposal installations for the incineration, chemical treatment⁸, or landfill of hazardous waste⁹ require an Environmental Impact Assessment in every case. Certain other waste management projects, which fall within the scope of the EIA Regulations, may require an assessment where the

⁷ These Regulations implement EC Directive 85/337/EEC, as amended by Directive 97/11/EC, on the assessment of certain public and private projects on the environment.

⁸ As defined in Annex IIA to the Waste Framework Directive 75/442/EEC under heading D9

⁹ This refers to waste to which Directive 91/689/EEC applies

Department considers that the development will have significant environmental effect. (See Development Control Advice Note 10 -Environmental Impact Assessment).

Precautionary Principle

- 6.4 Many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment in terms of visual intrusion, habitat or heritage destruction and pollution. In assessing all proposals for waste management facilities the Department will be guided by the precautionary principle outlined in paragraph 13 of Planning Policy Statement 1 "General Principles".
- 6.5 In considering proposals for new, or extensions to existing, waste management facilities there are a large number of matters which require to be considered. These include the following.

Health Considerations

- 6.6 Health considerations and public concern can in principle be material considerations in determining applications for development proposals. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (normally the Department) to determine what weight to attach to such considerations in any particular case.
- 6.7 However it is the Department's firm view that the planning system is not the place for determining health safeguards. It is for the Department of Health, Social Services and Public Safety (DHSSPS) to decide what measures are necessary to protect public health.
- 6.8 In assessing the public health impact of a waste management facility the Department will be guided by advice from the Environmental Health Department of the relevant District Council and, where appropriate, the relevant Health and Social Services Board.Compatibility with Adjacent Development
- 6.9 Certain waste management facilities, such as landfill sites or incinerators can cause significant amenity problems for the occupiers of neighbouring properties. However, it is not always necessary or appropriate to separate waste management facilities, especially small-scale developments such as civic amenity sites and recycling plants, from residential or other sensitive uses, provided they will not cause detriment to amenity by reason of noise, dust or noxious emissions. The Department will not therefore restrict development solely because it differs from the predominant land use in the locality.

Visual Intrusion and Impact on the Landscape

- 6.10 Waste management facilities vary greatly in scale and their potential for impact on the landscape. Consideration must be given to their potential effects on the landscape and waste management facilities will only be permitted where it can be demonstrated that they will not have an unacceptable visual impact on Areas of Outstanding Natural Beauty and areas designated in development plans for their landscape value. Landfill sites, for example, are often extensive, while landraising, if not in harmony with the local landscape, is likely to be intrusive.
- 6.11 The site planning for a waste management facility must include adequate landscape treatment and a landscaping scheme will be required as an integral part of a planning application. Successful site screening may be achievable by landscaping works and amenity bunds and may include advance planting of trees, shrubs or hedges around the periphery of a site. The planting plan should recommend suitable tree and shrub species and planting distances. The Department will consult the Landscape Architect's Branch of Construction Service for advice where appropriate.

Transport, Traffic and Access

- 6.12 Significant environmental and economic advantages may accrue when waste management facilities are located adjacent to rail heads and ports. However, most modern waste management facilities depend on a large throughput of materials, often generating a substantial volume of traffic, which may be a significant environmental issue. In most cases a Traffic Impact Assessment/Transport Assessment will be required and applicants will have to identify lorry routes proposed to service the site, the movement of waste, staff and visitors as well as quantifying construction traffic. The Department may specify the use of a particular route or require certain routes to be upgraded and/or strengthened to accommodate additional traffic movements, particularly if HGV's are involved. Where the road network cannot accommodate the numbers of vehicle movements likely to be generated, the application will be refused or where appropriate, planning permission will condition the quantities of materials or the number of vehicle movements over specified periods. Advice on all matters relating to access and traffic will be obtained from Roads Service of the Department for Regional Development.
- 6.13 Access to the site is a relevant planning consideration. Provision of safe access from the site to the local road network, which meets access standards, will be required. Developers should also indicate the arrangements proposed for servicing and car parking at the site to meet the needs of both staff and visitors. The internal site layout will be subject to evaluation for manoeuvring and possible effects of queuing. Developers should submit a travel plan to demonstrate the use of alternatives to road transport.

6.14 Where appropriate the Department will attach conditions to approvals requiring the installation of wheel cleansing equipment and the cleaning of roads adjacent to the proposed site.

Nature Conservation and Heritage

- 6.15 Waste management development can cause unacceptable harm to nature conservation sites and the flora, fauna and physical characteristics contained therein. Such damage can be incurred directly through physical destruction or indirectly through pollution, alteration of water tables, dust and other disturbance to sensitive species. Equally unacceptable damage can occur to archaeologically sensitive sites.
- 6.16 The Department's planning policy in relation to nature conservation is contained within Planning Policy Statement 2 "Planning and Nature Conservation". Within Northern Ireland part of the countryside and shoreline is of significant and in some cases, outstanding nature conservation importance. Such areas have been designated according to their importance and this has resulted in the establishment of a hierarchy of sites of international, national or local importance. In determining applications for waste management facilities the Department will not grant approval where a proposal will cause unacceptable harm to a designated site. In determining the acceptability of the impact of a proposal on a designated site the Department takes advice from relevant expert consultees.
- 6.17 The Department will also give careful consideration to the nature conservation implications of any development proposal where it is known that the development may threaten protected species of flora and fauna, an area of wetland or any other significant feature of nature conservation value. In all cases developers should assess sites proposed for waste management facilities, including former mineral workings, for their nature conservation interest. Where nature conservation interest is known or likely to be significant, an ecological/geological/soil survey will be required before any decision is taken on the future use of the site. The Department will consult the Natural Heritage Unit of the Department's Environment & Heritage Service for advice on these issues.
- 6.18 Account must also be taken of the potential effect of the development of waste management facilities on archaeological resources, listed buildings, Conservation Areas, marine and riverine archaeological environments and historic landscape features such as historic parks gardens and demesnes. The Department's current planning policy in relation to the built heritage is contained within Planning Policy Statement 6 "Planning Archaeology and the Built Heritage". The Department will consult the Built Heritage Unit of the Environment & Heritage Service for advice on these issues.

Environmental Pollution

6.19 Noise

The operation of many waste management facilities is likely to produce noise from both inside and outside buildings. Intermittent and sustained operating noise will be of concern if not kept to acceptable levels and particularly if night-time working is involved. While this applies particularly to waste management facilities utilising heavy machinery and plant, noise can also be locally obtrusive at some small facilities such as container banks, especially those for the deposit of glass. It will often be necessary to impose planning conditions relating to noise levels during operations, and limiting times of operation.

6.20 The aim of the Department will be to achieve safe systems that limit the range of noise generated. For instance, noise from conveyors and baling equipment can be contained when located within buildings. Some external disturbance will be inevitable however from loading, unloading and associated vehicular movements. Amenity bunds, incorporating appropriate buffer planting on large sites, such as landfills, can help ameliorate the adverse effects of noise and other nuisances on nearby properties. The Department will consult the relevant District Council for advice on these issues. As a general rule the planning system is more effective in dealing with those aspects of noise control which require control of location, for example of sources of noise with respect to noise sensitive uses nearby.

6.21 Dust and Airborne Pollution

The nature of any dust particulate from waste management facilities will depend on the type of facility and can be minimised through the use of appropriate, well-maintained and managed equipment and vehicles. Air quality issues will normally be raised at the planning stage and can be a material planning consideration as well as a pollution control issue. It may be appropriate to impose a planning condition, which requires waste operators to prepare a scheme, or to indicate what measures will be undertaken, to suppress dust on a site.

6.22 Many waste management facilities have the potential to produce unpleasant odours and other airborne pollution. Good practice requirements are normally incorporated into the terms of waste licences. Pollution control standards are now much more stringent than in the past and waste management facilities are highly regulated in terms of design, operation and permitted emissions. Emissions to the atmosphere and discharges of effluent, although controlled by pollution control authorities, are material considerations to the determination of a planning application. Normally, small container banks should not present a problem although they must be emptied and cleaned frequently. The Department will consult the relevant licensing authority (currently the District Council) for advice on this issue.

6.23 *Litter*

Litter can often be a serious problem on waste management sites especially landfills and is normally controlled by conditions attached to the waste licence. Operators must ensure that their site operating procedures tackle this problem in a consistent and reliable way, for example by ensuring that working areas are covered at night, and that screens are erected to trap windblown litter. Vehicles bringing material to sites, and waiting to discharge loads both within and close to sites, must be appropriately netted or sheeted until unloading starts. Planning Service will liaise with the relevant licensing authority (currently the District Council) with regard to this issue.

6.24 Vermin and Birds

Waste management sites, especially landfills, are likely to attract vermin and birds. Vermin control is usually covered by the waste licence.

6.25 Movements of some species of birds may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they have the potential to be a major nuisance to people living nearby. They also provide a hazard to aircraft at sites close to aerodromes. As part of the aerodrome safeguarding procedure, the Department is required to submit all applications for landfill developments that fall within the hazard zones of major aerodromes to the Civil Aviation Authority (CAA) for advice. The Ministry of Defence is consulted in regard to similar development within the hazard zones of military aerodromes. In assessing landfill proposals the Department will take account of comments from the relevant safeguarding authority and information provided by site operators where potential issues are identified.

6.26 Land Instability

It is important that waste management and disposal sites and their environs are not liable to be affected by land instability. This might, for instance, damage containment, drainage and ancillary treatment installations for landfill and landraising sites, or affect buildings at other types of facility. Operators must satisfy themselves that the stability of proposed sites has been properly investigated and that, where necessary, appropriate precautionary or remedial measures have been taken in the design. In Northern Ireland there are over 2000 known abandoned mines and adits. Abandoned mines represent a potential source of instability which is quite distinct from surface instabilities arising from naturally occurring geological and geotechnical circumstances.

6.27 New landforms must be designed both to fit with the nature and scale of existing features in the vicinity and to be inherently stable. The intended final landform, including gradients and drainage of a site must be designed at the outset, taking account of existing ground conditions, landscaping and pollution control requirements, and options for reclamation and after-use. The Department will consult EHS and the Construction Service of the Department of Finance and Personnel for advice on these issues.

6.28 Hours of Operation

The hours of operation of a waste management facility are linked closely to the issues of noise control and traffic movements, but are also relevant, for example, to levels of lighting. Where appropriate, the Department will attach a condition to planning approvals setting out the hours of working, to the extent that they may affect surrounding land use. For instance, if a site is located close to residential or other sensitive land-uses, it would normally be inappropriate to allow work at night, during Sundays or on bank holidays. However, it is recognised that some sites may need to open occasionally during such periods, to take civic amenity wastes. At particularly sensitive sites there may be a need for additional restrictions on hours of operation.

6.29 A planning condition limiting overall hours of working will generally lead to the specification of a shorter period for site operations to make sure that these are completed by the end of the working day. With the depositing of waste in a landfill site, for instance, sufficient time is required for the newly deposited wastes to be covered before operations end for the day.

6.30 Duration of Operations

A planning permission for a waste management facility must normally be commenced within 5 years. However, different periods may be appropriate depending on the circumstances, for example, in the case of temporary approvals. The impacts of innovative proposals may need to be monitored carefully, especially during the initial stages. In some cases a time limit may be placed on the completion of operations, to allow full consideration of environmental issues in the light of the circumstances then prevailing. The duration of a consent will relate to the particular waste management proposal.

- 6.31 Sites for the storage and processing of construction and demolition waste, prior to recycling, particularly in relation to large scale construction developments, may have a limited life. The Department will specify an end date for the removal of waste for recycling and restoration of the site.
- 6.32 Landfill operations are normally undertaken in accordance with a prearranged programme of phases, in order to minimise environmental disturbance. Where operations are envisaged to continue for some years, adequate time should be allowed for review of detailed restoration proposals prior to completion of the site. Conditions will normally be applied to ensure proper completion of the site. These will also give the operator the opportunity to apply to the Department to vary the working programme and other details at a later date if changed site conditions, or other new circumstances require. The Department will give prime importance to minimising the overall environmental impacts of the remaining stages of the development permitted. In considering such variations the Department will consult with the licensing authority.

6.33 Landfill and land raising operations are essentially transitory although some last for fairly long periods. If ancillary waste management facilities, not necessarily tied to the life of the landfill, are also proposed at such sites the longer term environmental benefits and disbenefits of the whole development must be considered. It will be necessary in some circumstances to limit the period of planning permissions for some colocated activities to match the date of closure of the "parent" landfill operation. In other cases it may be necessary to re-assess the environmental impact of co-located facilities when the parent facility closes.

Protection of Surface and Groundwater

- 6.34 In assessing proposals the Department must have regard to the need to protect the quality of surface water and groundwater. Whilst modern containment and drainage engineering has significantly reduced the likelihood of water contamination, waste development has the potential to pollute surface and groundwater resources if operations are not properly controlled and monitored. In particular problems can arise from surface water run-off, landfill leachate and the discharge of wastewater from waste management operations such as composting and recycling plants. Developers must ensure that a suitable drainage system is proposed which will prevent contaminants from reaching surface water drains or groundwater resources.
- 6.35 Proposals for waste management facilities will only be permitted where they would not have an unacceptable impact on the quantity or quality of surface or groundwater resources.
- 6.36 Under the terms of the Water (NI) Order 1999 consent is required from Environment & Heritage Service to discharge any trade or sewage effluent (including treated landfill leachate) or contaminated site drainage into a waterway or underground stratum. This consent can impose whatever conditions are deemed necessary to safeguard water quality.
- 6.37 Sites being considered for landfill or landraising to dispose of potentially polluting wastes, and their surroundings, must be investigated carefully by suitable experts to determine the geological conditions and the behaviour of surface water and groundwater. The Department will consult the Environment & Heritage Service (EHS) for advice on this issue. The Geological Survey of Northern Ireland works closely with EHS and provides specific hydrogeological input in relation to groundwater protection.

Flooding from Rivers

6.38 The Rivers Agency is consulted on applications for development which would have drainage implications – for example those affecting watercourses or where land is subject to flooding. Waste management proposals will not be acceptable where the proposed development would exacerbate the risk from flooding on site or would be likely to

increase the risk of flooding elsewhere. Works required to alleviate flood risk may result in unacceptable damage to visual amenity, nature conservation interest or the man-made heritage. On the limited occasions where exceptions to this policy arise and planning permission is granted, conditions may be imposed:

- To require necessary alleviation works; and
- To ensure adequate access to watercourses.

In addition, Schedule 6 of the Drainage (NI) Order 1973, requires the consent of Rivers Agency for any discharge into a waterway.

Agricultural Land Quality

6.39 High quality agricultural land is an important resource. Once developed, the return to viable agricultural use is rarely feasible. It is important to protect, as far as is practicable, the best and most versatile agricultural land from development. Where possible, planning policy will be to avoid the loss of high grade land but on occasions the need for a waste management facility may be the overriding consideration. Particular consideration will be given to directing development to areas of poorer agricultural quality land and encouraging the re-use of redundant or derelict land.

Reinstatement of the Site

- 6.40 When the operation of a waste management site comes to an end it must be left in a fit state for beneficial subsequent use. Licence conditions and sound management will ensure that ground contamination is minimised or kept to an acceptable level.
- 6.41 In the case of landfill and landraising operations appropriate and careful restoration and aftercare is required to prepare the site for a use, which is compatible with the surrounding area. All applications for landfill and landraising operations must be accompanied by drawings illustrating typical cross-sections through the site and indicating depth of fill, capping details, final restoration contours, planting, and other relevant details. Where appropriate, proposals to promote biodiversity, tree and shrub planting should be included. Applications for hazardous and non-hazardous landfill and landraising operations must also be accompanied by details of leachate and landfill gas management including utilisation of landfill gas to produce energy where possible. Reinstatement of landfill sites will be covered by the inclusion of appropriate conditions on planning permissions.
- 6.42 On occasions development requiring permission occurs without the required consent. Such development can cause significant damage to the environment. Where appropriate prompt enforcement action will be taken to ensure that the possibility of irreparable damage is minimised (see Planning Policy Statement 9 The Enforcement of Planning Control).

Policy WM 2 Waste Collection and Treatment Facilities

Proposals for the development of a waste collection or treatment facility 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; and
- (b) the proposed facility is the BPEO; and
- (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).

Justification and Amplification

- 7.1 The targets contained within the Waste Management Strategy require a significant shift away from landfill. Waste treatment facilities reuse, recycle and recover waste materials and can significantly reduce the amount of waste going to landfill. They can also have benefits in relation to the co-location or provision of integrated facilities close to waste arisings, close to where waste is reused or close to other waste treatment facilities. Applicants must demonstrate that the proposal is consistent with the WMS and the relevant WMP and is the BPEO or a constituent part of the BPEO for a waste stream. Further guidance on assessing BPEO is contained within BPEO Decision Makers' Guide¹⁰ prepared by Environment and Heritage Service.
- 7.2 Planning Service will seek to facilitate the increase in the number, type and range in size of waste treatment facilities in line with the requirements of the WMS and relevant WMP. There may also be a need to deal with existing developments that require to adjust their operations to comply with changing legislation. The Department will seek to assist developers in all the above circumstances subject to proper consideration of all the material factors.
- 7.3 For the purpose of this policy waste treatment projects include waste separation, recycling, transfer, composting, the treatment and transfer of special waste, the thermal treatment of waste including incineration and relatively new techniques such as pyrolysis, gasification, and fluidised bed combustion and other energy recovery facilities such as anaerobic digestion. Proposals for the development of waste water treatment works, including extensions to existing facilities are also considered under this policy as are planning applications for the recycling of construction and demolition waste. As a consequence this policy provides criteria for the determination of planning applications for civic amenity sites, waste transfer stations, the various types of recycling facility, scrap-yards, multi-stream separation and material recovery facilities, composting facilities, waste water treatment works, incineration and other thermal treatment/energy recovery facilities.

Waste Separation and Recycling

7.4 Waste separation and recycling facilities may range from small community schemes to multi-stream separation, material recovery facilities. Also included is the recycling of construction and demolition waste. The potential impacts of modern facilities may be limited but noise, dust, odour and other emissions are likely to require careful consideration as is the heavy goods traffic generated by such facilities. Due to the industrial nature of commercial facilities suitable sites are port and docklands, general industrial areas, within a hard rock quarry or where the impact of the operations will not have a detrimental effect on

¹⁰ BPEO - Decision Makers' Guide, Environment & Heritage Service, DOE(NI), 2001

residential amenity or the environment. An applicant may also seek to demonstrate that other material considerations should be taken into account, such as the reuse of previously developed, derelict or contaminated land or the use of existing or redundant buildings.

- 7.5 Larger commercial facilities can require significant site areas to facilitate operations, on site parking and traffic circulation. They should also be well located in terms of access to the catchment area and to the main traffic system as the processes involved include separation and bulking up of material for onward delivery. Sites in the vicinity of residential areas can give rise to householder complaints about traffic, noise, dust and visual untidiness.
- 7.6 Eco-Parks are industrial sites where collected or locally generated waste is treated and converted into secondary materials and energy for use in purposely adjacent industry. Existing industrial locations may be suitable locations for such facilities.
- 7.7 In the case of community schemes careful location and good access, proper screening and on site parking can significantly reduce environmental problems. Whilst the provision of bring banks by private operators will require permission on a stand alone basis, they may be suitably located within a larger development such as a retail centre or business park, where they may be deemed to be ancillary to the main land use. The Department will assess the provision of bring banks on a case-by-case basis to ascertain whether they can be considered as "permitted development" under the Planning (General Development) Order 1993. In all cases, developers should submit sufficient plans and details of bring banks to allow a determination under Article 41 of the Planning (Northern Ireland) Order 1991.

Composting

- 7.8 Composting schemes vary widely from the operations carried out by private households that do not require planning permission to larger scale commercial operations such as those developed by local authorities, the private sector or as joint ventures. The scale of commercial composting facilities can also vary from a small facility requiring only an area of hard standing for composting, a covered area for screening or storing of materials to large scale facilities, which will require large open areas and buildings. Larger scale facilities will, as a result be more visually intrusive and increase traffic in the vicinity.
- 7.9 Due to the potential for the generation of odour, dust, noise and bioaerosols (including bacteria and fungal spores) the operation of commercial composting facilities can present problems in the vicinity of residential areas and workplaces. While noise and dust can be adequately controlled thorough operational measures, both odour and bio-aerosols have the potential to impact on the public at some distance from the operations. These considerations require that composting

facilities are located on suitable industrial land, within or adjacent to a waste management facility or in the rural area. In rural areas such sites will have to be satisfactorily assimilated into the landscape and the operation shall either use existing buildings or new buildings provided that they are in scale with and adjacent to an existing non-residential building group. Distance from waste arisings can be offset by on farm use, otherwise the proximity principle suggests locations close to urban areas.

Civic Amenity Sites

7.10 The establishment of a network of civic amenity and similar neighbourhood facilities will play an important part in enabling the achievement of the relevant targets in the Waste Management Strategy. Their expansion will facilitate the necessary growth in recycling and reuse of materials. Sites should, normally, be located within settlements. As they provide a facility for householders it is important that they are sited in locations that have good accessibility from the main road network, allow for easy access and parking on site by the public and can be properly screened. It is important that sites are not located where their operation would have a detrimental impact on residential amenity due to noise, odour or dust. In rural areas with a dispersed settlement pattern it may be necessary to seek a rural location that meets the above criteria. A transport node may be an appropriate location in terms of accessibility.

Waste Water Treatment Facilities

Waste water is not controlled waste and therefore the WMS and WMPs 7.11 do not apply to proposals for waste water treatment works (WWTWs) and related facilities. In such cases the applicant must demonstrate that there is a need for the facility and that the proposal is the BPEO. Proposals for WWTWs are normally Crown development. Whilst the Planning (Northern Ireland) Order 1991 does not apply to Crown development, normal practice is to follow the planning application procedure as much as is possible and to apply policy in exactly the same way as in the case of planning applications. The Planning (Environmental Impact Assessment) NI 1999 Regulations apply to Crown development. Due to their nature and scale many WWTWs have the potential to have a significant impact on the environment and on the amenity of local communities. As a result they are often located in the countryside away from residential development. Consent for Crown development will be refused if the impact would be unacceptable. Odours, quality of discharge and visual impact are important considerations.

Regional Scale Waste Treatment Facilities

7.12 Regional scale treatment facilities depend on a large throughput of materials, often generating a substantial volume of traffic, which may be a significant environmental issue. As a result, applicants will be required to demonstrate that the proposed location relates to key transport corridors and, where practicable makes use of the alternative transport

modes of rail and water. Transport by water, however, may require particularly stringent containment, due to any risks of accidentally contaminating the water system involved.

Internal v External Waste Treatment

7.13 The recycling and/or treatment of industrial, commercial and household waste should take place in suitable buildings to secure higher environmental standards for the management of waste and to minimise the impact on adjoining land-uses. Where proposals do not include the provision or use of a building, then the Department will expect the applicant to demonstrate how the proposed development meets the exception outlined above. Some operations can reasonably only be conducted outside, for example windrow composting. The policy also allows for circumstances when it is reasonable for parts of the operation to be carried out in the open. For example, to allow the open-air storage of wastes and recycled products, as long as they are controlled so that they would not become windblown or produce odours or leachate.

Hazardous Waste

- 7.14 Hazardous Waste is defined by European Council Directive 91/689/EEC (the Hazardous Waste Directive). The Special Waste Regulations (Northern Ireland) 1998 implement the Hazardous Waste Directive into domestic legislation for Northern Ireland. The nature of hazardous waste and the need to protect the public from any harmful effects associated with noise, smell, fumes and dust emphasise the importance that needs to be placed on the safe treatment of such waste and to reducing the amount that requires disposal. Clinical waste may include hazardous waste and developers should seek advice from the Northern Ireland Clinical Waste Management Team, Health Estates, Stoney Road, Belfast for projects involving clinical waste from healthcare establishments.
- 7.15 A range of specialist treatment facilities may be needed to handle Northern Ireland's hazardous waste, as described in the Waste Management Plans. In determining applications for managing hazardous waste consideration will be given to the compatibility of the operation with other nearby land uses. It must be demonstrated that the built development associated with proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned. Local impacts, including the comparison of alternative sites, should be addressed through Environmental Impact Assessment when specific sites are being sought. (See paragraph 6.4)

Waste Treatment and Energy Recovery (EfW)

- 7.16 Incineration is an established method of treating waste to reduce its volume and weight before disposal or to remove the hazardous content of materials. Incinerators range from small plants serving factories or hospitals to large scale installations for the treatment of municipal and other wastes. Incinerators have the potential for energy recovery in the form of electricity and/or heat and power which may provide additional environmental benefit and is higher up the waste hierarchy than treatment without energy recovery (paragraph 1.21). Incinerators and other thermal treatment facilities such as pyrolysis and gasification will be expected to maximise energy recovery in the form of electricity and/or heat and power, subject to the feed waste stream and prevailing technology and economics. This policy relates to all incineration facilities with the exception of those designed to be ancillary to an existing development and special waste facilities where energy recovery is not practical.
- 7.17 In considering incineration facilities the visual impact of the proposed plant is an important consideration. Modern energy from waste incineration plants comprise substantial buildings with a high chimney stack and may form a prominent feature in the local townscape. When proposed within the rural area careful consideration will be given to the impact of the facility on the landscape. In all cases a suitable landscaping scheme will be required.
- 7.18 Other emerging thermal treatment technologies include gasification and pyrolysis. Anaerobic digestion is a further technology which produces energy from the treatment of organic wastes. These technologies involve processes carried out in enclosed plant which limit emissions to the atmosphere. Some of these processes could therefore play a more significant future role in waste management.
- 7.19 For all EfW facilities, proximity to waste arisings, the significant traffic generated and heat and energy considerations point to locations within or close to urban areas with good accessibility to the main road network. It is important that waste is delivered and residues removed in properly designed vehicles to ensure the avoidance of spillages. Significant environmental and economic advantages may accrue when large EfW facilities are located adjacent to rail heads and ports.

Integrated Waste Management

7.20 Integration or co-location of waste treatment facilitiess reflects the principles of sustainable waste management (Paragraph 1.16) and provides the opportunity to optimise environmental and economic benefits consistent with BPEO. Such integration may, however, have cumulative negative effects, for example in terms of excessive traffic generation, noise and dust. These must be balanced against consistency with the WMP, the BPEO and related principles of sustainable waste management. Where treatment facilities are ancillary to another waste

mangement development it is important that they do not prejudice restoration and afteruse. Ancillary facilities should be removed when the main facility is complete unless material considerations support their retention.

7.21 In determining applications for all waste treatment facilities account will also be taken of Policy WM 1 and the principles of sustainable waste management (Paragraph 1.16). In determining the acceptability of the impact of a proposal on residential amenity or the environment the Department will seek advice from relevant expert consultees. Where waste treatment proposals comply with the above policy they will be actively encouraged by the Department, in line with the objectives of the Waste Management Strategy for Northern Ireland.

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; and
- (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.

Justification and Amplification

- 8.1 Landfilling is the disposal of waste into void spaces in the land often left as a result of mineral extraction. Land raising is the disposal of waste by depositing on land thereby raising its level. This policy applies to all proposals for the disposal of household, industrial and commercial waste with the exception of the deposition of inert waste which is suitable for the purposes of land improvement (See Policy WM 4).
- 8.2 Landfilling and land raising of municipal waste are at the bottom of the waste management hierarchy and they are usually the least sustainable waste management option. Particular issues associated with these methods include the risk of release of methane gas into the air and adjoining ground or leachate into the soil, groundwater and surface water. Compliance with the siting, engineering and operational requirements of the Landfill Directive is an essential pre-requisite and strict controls will be applied under waste management licensing and IPPC permitting.
- 8.3 Landfill or landraising will remain the predominant disposal methods for the short to medium term and in the longer term will remain the BPEO for certain materials such as incineration residues, mineral wastes, other inert materials and residual wastes that cannot be recycled or treated further. These disposal methods will therefore have a long term role as part of an integrated waste management strategy and in the interim may be required to take other waste while a network of alternative waste treatment facilities is developed. Waste disposal proposals will be expected to include a statement identifying the waste implications of the development, measures taken to minimise and manage the waste generated, a critical analysis of the alternative methods of treatment for the particular waste material and its potential for recycling, composting or energy recovery.
- 8.4 To comply with the Landfill Directive, the absolute quantities of waste going to landfill must reduce. The WMS therefore envisages a progressive reduction and consolidation of landfill capacity and overall number of landfill sites.
- 8.5 Establishing an integrated network of facilities that meet the needs of Northern Ireland, as identified under approved Waste Management Plans, will take time. For municipal solid wastes (MSW), establishing the strategic landfill site(s) to serve regional needs consistent with the BPEO identified in a WMP may depend on, for example, the results of a competitive tendering process. In the interim, the WMS envisages limiting landfill capacity to meet essential interim regional needs. In accordance with the WMS the number of additional waste disposal sites required to provide essential interim capacity will be limited and authorisations restricted to specific volumes for a fixed period.

8.6 Therefore, where there is a need to provide essential interim capacity (EIC) prior to the establishment of regional strategic landfill sites, and the proposal fulfils the criteria of this policy, the approved capacity of additional sites will be limited to that required to meet EIC needs.

Need and BPEO

- 8.7 While waste disposal through landfill or land raising will have a continuing role it is important that provision made is consistent with need as identified in the WMS and the relevant WMP. Otherwise alternative facilities may not come forward as required and the completion of existing sites may be delayed. The need identified in WMP's will depend on a whole series of variables which may change over a substantial period of time. Consequently, it will be open to applicants to demonstrate need for their proposal taking account of current waste arisings.
- 8.8 Beyond EIC, applicants will have to demonstrate that their proposal meets need that cannot be met by other facilities, that the proposal is the BPEO and is consistent with the other waste management principles contained in Paragraph 1.16. The Department will also take into account any planning gain associated with proposals such as the remediation of contaminated land.
- 8.9 Guidance on BPEO is contained within 'BPEO Decision Makers' Guide' prepared by Environment and Heritage Service. BPEO is used within a waste management plan to select the best 'potential' options. Proposals for particular sites will require testing at the local level to determine the best 'practicable' option that delivers best value. Where the proposal has not specifically been identified as the BPEO in a WMP, applicants should apply the structured process set out on page 3 of the guide. Guidance on decision criteria and alternative waste management methods is given in Annexes A and B of the Guide
- 8.10 Where it is the BPEO, landfilling of municipal waste should provide opportunities for energy recovery from landfill gas in accordance with the Landfill Directive. Provision may also be made for the sorting and recycling of wastes, for example, some inert waste materials could usefully be recycled as aggregate.
- 8.11 The disposal of inert wastes does not have the same potential to adversely impact on the environment. Again the opportunity for the establishment of recycling facilities will exist.
- 8.12 The EU Landfill Directive, when implemented, will require landfill sites or areas within landfill sites to be dedicated specifically to the deposit of special or hazardous waste. The Hazardous Waste Directive will extend the list of hazardous substances that should not be landfilled. As a result new waste treatment facilities will be needed to treat hazardous waste.

Environmental Impact

8.13 It is essential that all waste disposal facilities that contain putrescible waste are well designed and operated. Applications for municipal waste landfill and land raising operations must be accompanied by details of leachate and land fill gas treatment. Proposals for the disposal of waste materials will not be permitted where the development would lead to an unacceptable impact on the environment or unacceptable pollution problems (See Policy WM 1). Planning conditions may be required to mitigate potential adverse effects. The Landfill Directive bans the co-disposal of inert, hazardous and non-hazardous waste and all waste going to landfill must be pre-treated. In addition certain wastes are banned from land filling as a disposal method altogether.

Mineral Reserves

8.14 Due to the nature of landfill and land raising operations, waste disposal sites may be suitably located within a hard rock quarry or where the impact of the operations will not have a detrimental effect on residential amenity or the environment. It is important that Waste Disposal Projects do not sterilise mineral reserves considered to be of particular value to the economy. The Planning Strategy for Rural Northern Ireland recognises the general risk of reserve sterilisation and contains specific Regional Planning Policies MIN4 (Valuable Minerals) and MIN5 (Mineral Reserves). In addition to the environmental benefit provided by the restoration of an active or worked out hard rock quarry, in other locations, an applicant may seek to demonstrate that the productive reuse of despoiled, derelict or contaminated land should be taken into account.

Land Raising

8.15 Land raising, in that it creates a new landform, has the potential to significantly impact on the landscape. As a result careful consideration will be given to the proposed landform and scale of land raising activities to ensure that these can satisfactorily be assimilated into the existing landscape. (See Policy WM1)

Regional Scale Landfill

8.16 The location of regional scale landfill or land raising sites must closely relate to and allow for easy access to key transport corridors and, where possible, should make use of the alternative transport modes of rail and water. Transport by water may require particularly stringent containment measures, to avoid the risk of accidentally contaminating the water system involved.

Restoration

8.17 Careful restoration and aftercare is essential to prepare landfill or land raising sites for a use which is compatible with the surrounding area. Proposals should be detailed, comprehensive, practical and achievable and they should help promote or enhance bio-diversity on the finished landform and the surrounding area. All applications for landfill and land raising operations should be accompanied by drawings illustrating typical cross-sections through the site and indicating depth of fill, capping details, final restoration contours, planting and other relevant details. Without the submission of all the required information and necessary detailed plans the Department is likely to refuse planning permission.

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 bio-diversity.

Justification and Amplification

- 9.1 The disposal of inert waste by its deposition on farmland and elsewhere has in the past often been inappropriate in terms of sustainable development in that the waste involved was capable of being moved up the waste hierarchy and recycled or reused. Furthermore, the purpose behind such development has, on many occasions, been to dispose of waste in the cheapest way possible and avoid payment of landfill tax, rather than to improve agricultural land quality or facilitate other necessary development.
- 9.2 Nevertheless, the deposition of inert waste on agricultural or other land can result in an improvement in land quality, for example where steep gradients are reduced and the land re-graded with an adequate surface layer of topsoil. On occasion, deposition of inert waste can facilitate land reclamation for necessary development. The Department recognises, however, that care needs to be taken to ensure that such schemes do not adversely affect nature conservation and heritage interests nor have an unacceptable impact on the landscape (See Policy WM1). Vacant land or land of low agricultural value often provides important habitats for flora and fauna.
- 9.3 Where it is demonstrated that there is a local need for the deposition of inert waste and it is the BPEO it will also be necessary to consider the environmental impacts for such a proposal (see Policy WM 1).

- 9.4 Planning permission will be refused where a proposal would have an unacceptable impact on the environment. Where appropriate, conditions will be attached to planning permissions to minimise or compensate for their impact on wildlife or physical features. In some cases it will be necessary to add informatives to an approval informing the applicant of their obligations under the Wildlife Order.
- 9.5 The main purpose of the proposal should clearly be to improve land quality rather than the disposal of waste. In this regard the quantity of waste to be deposited should be the minimum required to achieve the proposed improvement. Where this is not the case the Department will consider the proposal under Policy WM 3 Waste Disposal.
- 9.6 Annex 4 sets out the circumstances when agricultural land improvement does not require express planning permission

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.

Justification and Amplification

- 10.1 Waste management facilities carry out an important function in the treatment and disposal of waste and will be approved in appropriate locations. However, such facilities often undertake complex operations that can impact adversely on the environment. While environmental standards are continually improving nevertheless there may be potential risks at individual sites, for example, in relation to odour, windblown litter or birds.
- 10.2 The potential adverse impact of existing or approved facilities upon neighbouring land uses will be a material consideration in the determination of planning applications for the development of that land. Planning control must consider the acceptability of development in proximity to potential sources of pollution. Consideration will therefore need to be given to the sensitivity of development proposed in the vicinity of waste management facilities and WWTWs, particularly sensitive uses such as residential development or areas of public use.
- 10.3 This is particularly important in relation to landfill sites as the EU Landfill Directive, when implemented, will require landfill sites or areas within landfill sites to be dedicated specifically to the deposit of special or hazardous waste. The Hazardous Waste Directive will extend the list of hazardous substances that should not be landfilled. As a result new waste treatment facilities will be needed to treat hazardous waste.
- 10.4 In relation to development proposed in the vicinity of WWTW's the potential adverse impact of existing or approved infrastructure upon neighbouring land uses will be a material consideration in the determination of planning applications for the development of that land. In particular, planning applications involving land within the vicinity of WWTWs will not be approved where there would be a loss of amenity from odour nuisance.

10.5 Applications will be approved or refused depending on the circumstances prevailing at particular locations. Relevant considerations will 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. In all cases, specific advice will be sought from the Environmental Health Department of the relevant District Council

Annex A: Planning Conditions

- A1 When planning permission is given for waste management, the Department will often impose conditions or negotiate agreements in respect of matters that include, as appropriate, the following:
 - a. transport modes, access and routing arrangements, and the volume of traffic generated;
 - b. the hours of operation where these may have an impact on neighbouring land-use;
 - c. the level of noise;
 - d. the physical nature of waste acceptable or excluded, insofar as this might affect local amenity or neighbouring land-use;
 - e. landscaping;
 - f. plant and buildings;
 - g. ancillary development;
 - h. the timescale of the operations and any phasing of uses on a site;
 - i. minimising nuisance from dust, birds, vermin, or litter;
 - j. the historic environment, industrial heritage and archaeological remains;
 - k. the protection of surface and underground water;
 - I. removal, handling and preservation of topsoil and subsoil, and their replacement at the restoration stage;
 - m. precautionary measures against the risks of sites suffering from or causing land instability;
 - n. landscaping of operational areas and facilities;
 - o. the area to be filled;
 - p. restoration and aftercare;
 - q. parking and servicing arrangements, and
 - r. any other significant impact on the environment or human health.

Annex B: Waste Minimisation in New Development

- B1 Waste minimisation is concerned with reducing the quantity of waste that is produced and which would otherwise require treatment or disposal by one of the other options in the waste hierarchy. The main benefits of waste minimisation are the lower environmental and economic costs associated with production and waste disposal. The Department wishes to ensure, as far as is practicable, that waste minimisation is incorporated in an appropriate fashion in the design and layout of new development.
- B2 Prospective developers of new housing areas, retail and office developments, community buildings and industrial areas should therefore consider at initial design stage the waste implications and requirements of future occupiers of such development. Waste arising from the development, during the construction and operational phases, should be quantified, and the measures taken to minimise and manage the waste generated should be identified. This will help to minimise the disruption and expense if provision has to be made later.
- B3 The extent to which the Department can influence waste minimisation is limited. Nevertheless good design can ensure that materials of the required grade and not necessarily the highest grade are used, particularly where this involves using materials generated on site during the construction/demolition phase. Communal and large scale developments occupied or used frequently by people may provide the opportunity to incorporate recycling facilities such as Bring Banks and to separate, recycle and recover as many waste outputs as possible.
- B4 The retention of existing buildings should be considered in development proposals as should space demands for dealing with waste generated, for example in an industrial case a building or area may be required for the compaction and storage of materials. The opportunities for linkages between land uses should also be explored in terms of the efficient use of materials, bye products of processes, collection and treatment of waste including use of vehicles and use of energy generated. (See also paragraph 7.6 Eco- Parks). Where appropriate, positive support will be given to such proposals.

Annex C: European Legislation

C1 A number of European Community Directives are relevant to land-use planning policy on waste management. In particular:

The Framework Directive on Waste

- C2 The statutory framework necessary to implement the Waste Framework Directive 75/442/EEC (as amended by 91/156/EEC and 91/692/EEC) is contained in the Waste and Contaminated Land (Northern Ireland) Order 1997. The Directive requires Member States to prepare waste management strategies to ensure the development of an integrated network of regional waste facilities. The Directive also introduces the polluter pays principle and the need for licences and registration of carriers. The amendments will progressively introduce a number of significant modifications intended to maintain a high level of environmental protection.
- C3 Waste Management Plans prepared by the three groups of District Councils provide a basis to implement this Directive, but they are not land-use documents. The Waste and Contaminated Land (Northern Ireland) Order 1997, which implements the Directive in Northern Ireland, includes the requirement for a waste management strategy and integrated network of regional facilities, together with the introduction of a duty of care, registration of carriers and comprehensive provisions for new waste management licences. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 establish a system for registration of carriers of controlled waste. These controls make it a criminal offence for any person who is not registered as a carrier to transport controlled waste, and enable the seizure and disposal of vehicles used for illegal waste disposal. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 came into force on 1st October 2002 and non-compliance will be a criminal offence.

The Landfill Directive

- C4 The EC Landfill Directive 1999/31/EC aims to harmonise controls on the landfill of waste throughout the European Union. It came into force in July 2001. It contains two main elements:
 - three progressive targets for Member States to reduce the amount of biodegradeable municipal waste (BMW) going to landfill. These are aimed at reducing the amount of methane (a powerful greenhouse gas) emitted from landfill sites. They also reflect the UK's wider and legally binding target for the reduction of greenhouse gases agreed at Kyoto in December 1997; and
 - the introduction of more stringent operational and technical regulatory requirements on waste and landfills.

The Directive also places restrictions on the co-disposal of hazardous and non-hazardous waste. The Waste Management Strategy for Northern Ireland provides the basis for meeting the BMW targets. The other regulatory aspects will be implemented through new regulations.

The Hazardous Waste Directive

C5 The Directive on Hazardous Waste (91/689/EEC) requires that hazardous wastes be included within the scope of waste management strategies and plans. Its requirements are implemented by the Special Waste Regulations (Northern Ireland) 1998 which introduce a new definition of special waste and require a tracking system to control the movement of hazardous waste from its point of production to its final destination for disposal or recovery.

The Groundwater Directive

C6 The Groundwater Directive (80/68/EEC) seeks to protect groundwater against pollution caused by specified dangerous substances. This Directive is implemented by the Groundwater Regulations (Northern Ireland) 1998 that control discharges of List I¹² and List II¹³ substances to groundwater.

The Assessment of the Effects of Certain Public and Private Projects on the Environment

C7 This Directive (the EIA Directive 85/337 EEC as amended by Directive 97/ 11/EC) requires formal consideration of the environmental effects of certain projects and is implemented by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999. (See paragraph 6.3).

Integrated Pollution Prevention and Control (IPPC)

C8 Council Directive 96/61/EC on integrated pollution prevention and control lays down measures designed to prevent or, where that is not practicable, to reduce emissions in the air, water and land from certain listed activities including some waste management facilities. Transposing legislation is currently being prepared and this will replace the current arrangements in the Industrial Pollution Control (NI) Order 1997.

The Urban Waste Water Treatment Directive

C9 The Urban Waste Water Treatment Directive (91/271/EEC) defines treatment standards and monitoring requirements for urban waste

¹² Substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment.

¹³ Substances which have a deleterious effect on the taste or odour of groundwater, and compounds liable to cause the formation of such substances in such water and to render it unfit for human consumption.

water. It is implemented by the Urban Waste Water Treatment Regulations (Northern Ireland) 1995.

C10 Council Directive 2000/76/EC sets out stringent requirements and operational controls for waste incinerators and co-incinerators. It includes standards of management, control and monitoring and determination of emission limits.

ANNEX D: Agricultural Permitted Development

- D1 Under the Planning (General Development) Order (Northern Ireland) 1993, a planning application is not required for the carrying out, on agricultural land comprised in an agricultural unit, of engineering operations reasonably necessary for the purposes of agriculture.
- D2 Agricultural land improvement can fall into this category provided the Department is satisfied that the following conditions are met:
 - The development is on an agricultural land holding of at least 0.5 hectares in area;
 - No part of the development is within 24 metres from the nearest part of a special road, or within 24 metres of the middle of a trunk or second-class road or 9 metres from the middle of other classes of road;
- D3 In deciding whether or not such land improvement is reasonably necessary for the purposes of agriculture or amounts to a separate land use activity in its own right the Department will take the following considerations into account:
 - whether the amount of material brought onto the site is the minimum required to achieve the needed improvement; and
 - the nature of the material being deposited; and
 - the extent, scale and duration of the operations involved; and
 - the quality of the agricultural land being filled; and
 - whether the landowner is a farmer actively engaged in farming operations on the holding.
- D4 The Department will consider the circumstances of each case very carefully to ensure that the proposed development is required for genuine agricultural purposes. The introduction of Landfill tax has led to a number of applications to deposit waste on agricultural land to avoid payment of the tax. Farmers should confirm with HM Customs and Excise whether or not landfill tax is payable or should register with the District Council as an exempt activity.

GLOSSARY

Best Practicable Environmental option (BPEO) - summarised by the Royal Commission on Environmental Pollution as "the outcome of a systematic consultative and decision making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes, for a given set of objectives, the option that provides the most benefits or least damage to the environment, as a whole, at acceptable cost, in the long term as well as the short term."

Biodegradable Municipal Waste (BMW) – the portion of the municipal waste stream [see definition of municipal] that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and paperboard.

Civic Amenity Site – site for the collection of recyclable materials and bulky household waste.

Commercial Waste – waste from premises used for the purpose of trade or business, sport, recreation or entertainment.

Compost – organic matter decomposed aerobically or anaerobically and used as a fertiliser or soil conditioner.

Construction/Demolition Waste – masonry and rubble wastes arising from the demolition or construction of buildings or other civil engineering structures.

Contaminated Land – land which has been subject to the addition of a material or materials to such a degree as to render it unfit for its intended purpose.

Controlled waste – refers to household/municipal, industrial and commercial waste.

Environmental Impact – the total effect of any operation on the surrounding environment.

Essential Interim Landfill Capacity – the Waste Management Strategy provides for the development of additional landfill capacity to meet essential capacity needs identified by District Councils prior to the establishment of an integrated network of waste management facilities.

Groundwater - water held in water-bearing rocks.

Hazardous Waste – a waste that, by virtue of its composition, carries the risk of death, injury or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact if improperly handled, treated or disposed of. The term should not be used for waste that merely contains a hazardous material or materials. It should be used only to describe wastes that contain sufficient of these materials to render the waste as a whole hazardous within the definition given above.

Household Waste – waste from a domestic property, caravan, residential home or from premises forming part of a university or school or other educational establishment; premises forming part of a hospital or nursing home.

Hydrogeology – the study of water in rocks.

Incineration – the burning of waste at high temperatures. This results in a reduction in bulk and may involve energy reclamation.

Industrial Waste – wastes from any factory, transportation apparatus, from scientific research, dredging, sewage and scrap metal.

Inert Waste – waste material that does not undergo any significant physical, chemical or biological transformations when deposited in landfill. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater.

IPPC – new Regulations are proposed to transpose the requirements of EC Directive 96/61 on Integrated Pollution Prevention and Control (IPPC). The Regulations are designed to protect the environment through the prevention of or reduction in pollution of air, water and land caused by emissions from industrial installations. Under the Directive Specified Waste Management Activities which includes most landfill sites and certain types of hazardous waste treatment will require permits.

Landfill Gas – a gas produced by the decomposition of biodegradable waste. It consists primarily of a mixture of methane and carbon dioxide.

Land Improvement - the deposition of inert waste on land for the purposes of::

- (a) improving agricultural land, for example where steep gradients are reduced and the land re-graded with an adequate surface layer of topsoil; or
- (b) land reclamation for necessary development, or
- (c) preparing other land for necessary development, or.
- (d) landscaping, screening or re-grading other land.

Landfill Site – the controlled deposit of waste to land generally involving the infilling of voids following mineral extraction.

Landraising – involves the deposit of waste above ground, e.g. in naturally occurring depressions or as part of reclamation schemes.

Landspreading – the application of waste or sludges to the land and thereby facilitating their degradation and incorporation into the top layer of soil. Fertiliser is usually added to assist aerobic breakdown.

Leachate – liquid that seeps through a landfill site and by so doing extracts substances from the deposited waste.

Municipal waste - household waste and any other waste under the control of District Councils or their agents acting on their behalf.

Proximity Principle – highlights a need to treat and/or dispose of waste in reasonable proximity to the point at which it is generated.

Putrescible – liable to decompose or rot with an offensive smell.

Recovery – the reclamation, collection and separation of waste materials from the waste stream.

Recycling – the recovery and re-use of materials from the waste stream.

Re-use – the repeated utilisation of an item/material for its original (or other) purpose.

Self-sufficiency – is a central tenet of EC legislation which requires all member states to apply this principle in their waste management practices at national level and, as far as is practicable, also at regional and sub-regional levels.

Special Waste – waste which contains substances deemed to be dangerous to life as defined by the Special Waste Regulations (Northern Ireland) 1998.

Waste – the unwanted by-product of industrial, commercial and domestic activities or anything otherwise discarded.

Waste Disposal – the process of getting rid of unwanted, broken, worn out, contaminated or spoiled materials in an orderly, regulated fashion.

Waste Management Hierarchy – is at the centre of European waste management policy. The hierarchy indicates the relative priority of different methods of managing waste, and provides instruction to waste management policy and planning initiatives on how to progress towards sustainable waste management policies.

Waste Management Strategy – published on 20th March 2000, this document's main purpose is to provide a framework for the development of regional waste management facilities in Northern Ireland.

Waste Management Plans (WMPs) – the principle mechanism for implementation of the Waste Management Strategy that requires District Councils to prepare WMPs in line with the timetable contained within the Strategy. Article 23 of the Waste & Contaminated Land Order 1997 imposed a duty on District Councils to prepare WMPs detailing what arrangements were appropriate for dealing with the recovery, treatment and disposal of controlled waste arising in their districts. Waste Management Licence (WML) – a licence granted by the Environment & Heritage Service under the Waste & Contaminated Land Order (Northern Ireland) 1997. The WML will replace the current Waste Disposal Licence (WDL) granted by the relevant District Council under the Pollution Control and Local Government (Northern Ireland) Order 1978 when licensing powers transfer to EHS.