



Replacement Local Development Plan 2018-2033

Background Paper

June 2019

BP 36: Waste Management

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1. Introduction

- 1.1 This background paper has been prepared to support the development of the Replacement Local Development Plan (RLDP) 2018-2033. The purpose of the paper is to review the evidence base upon which the LDP was developed and to provide any additional evidence with respect to waste. Background Paper 20: Waste Management, was written in the context of the Regional Waste Plans, Technical Advice Note (2001) and PPW Edition 5 (2012) which have all since been revised or superseded. There has also been significant contextual change which has impacted the way in which waste is managed within the region and which needs to be taken into account during development of the RLDP.

2. Policy Context

- 2.1 Since the LDP was adopted a number of policy changes have occurred which have implications for waste. Planning Policy Wales has been revised a number of times with significant changes to waste policy. The requirement to produce Regional Waste Plans has been removed, although there is still a requirement to carry out monitoring to ensure that sufficient disposal and recovery capacity exists within a region. Development Plans must demonstrate how National Waste Strategy, including the Collections, Infrastructure and Markets Sector Plan (2012) and any monitoring update, have been taken into account.
- 2.2 The National Waste Strategy was published in 2010, however, a series of Sector Plans were in the process of being produced which are of relevance to the RLDP. Technical Advice Note 21 has also been revised to ensure that the land use planning framework reflects the requirements of the National Waste Strategy and associated Sector Plans.
- 2.3 A number of regional monitoring reports have been published which show that local authority collected waste arisings in the County have generally declined since 2008 and recycling rates have generally increased. The main conclusion to date has been that there is no additional need for disposal capacity within the region and that any further treatment for residual waste treatment capacity should be carefully considered to ensure that the facility would not result in overprovision.
- 2.4 The provision and location of waste management facilities in the Conwy RLDP is required to conform with the objectives set out within Strategic Objective 11 (SO11) Minerals and Waste: Contribute to the implementation of the circular economy, manage waste with minimal environmental impacts and ensure the sustainable use of natural resources, including for energy

generation and providing an adequate supply of minerals and materials for construction.

- 2.5 In addition, waste management facilities and the emerging LDP policies are required to meet amenity and environmental objectives set out within Strategic Objective 15 (SO15) Water, Air, Soundscape and Light: Reduce exposure to air and noise pollution, balance the provision of development and lighting to enhance safety and security, and protect and enhance the water environment and water resources, including surface and groundwater quantity and quality.

3. Findings of AMR

- 3.1 The annual monitoring indicators were established in the context of the Regional Waste Plan 1st Review, and using Core Indicators established in the LDP Manual which has since been updated. The AMR monitors recycling rates and the amount of waste management capacity granted planning permission as a percentage of the required capacity as set out in the Regional Waste Plan 1st Review. As detailed above, recycling rates have consistently increased, exceeding the statutory targets and is on target to meet the statutory target in 2019/20, see table 1 below.

Table 1: Recycling Rates in %

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Conwy	56.4	56.3	59.1	59.7	62.6	63.7
Wales	52.3	54.3	56.2	60.2	63.8	62.7
Statutory Targets	52	N/A	N/A	58	N/A	NA

Source: North Wales Monitoring Report 2017/18 and Stats Wales.

- 3.2 The AMR demonstrates that a series of planning consents have been granted, within Conwy and outside Conwy but within the North Wales region, developed to deal with arisings from Conwy. Conwy Council forms part of the North Wales Residual Waste Treatment Partnership which has procured capacity to manage up to 200,000 tonnes per annum residual waste capacity. Although the facility is being developed in Flintshire, it will serve the Partner authorities, including Conwy. Conwy has also entered into partnership with Denbighshire and Flintshire to procure food waste treatment capacity, resulting in the development of an anaerobic digestion facility in Denbighshire.

4. Contextual Changes

- 4.1 There have been a large number of changes to the waste industry and the way in which it is regulated in recent years. These changes have been introduced to encourage the sustainable management of waste, reduce the regulatory burden where it is appropriate to do so, for example End of Waste, and to increase regulation where there is just cause to do so. The most significant changes are discussed below.
- 4.2 The requirement to separately collect waste came into force from the 1st January 2015. The requirements apply to waste from all sources, including commercial and industrial waste, and mean that separate collections for paper, metal, plastic and glass must be provided or, where a collection is comingled, it must be processed to an appropriate standard. This requirement is in addition to the requirement to pre-treat waste prior to disposal in landfill which has been in place since 2007.
- 4.3 Landfill Tax rates have increased significantly since the LDP was adopted. The rate in 2012/13 was £64 per tonne for the standard rate and £2 per tonne for the lower rate. Landfill tax is currently £88.95 per tonne for the standard rate and £2.80 for the lower rate. This significantly reduces the ability of landfill sites to compete with other waste management types which are not subject to the tax.
- 4.4 The expansion of existing facilities and development of new facilities has greatly influenced how waste is managed and where. Local authorities have had financial impetus to procure dedicated capacity for the management of food wastes and residual wastes. A number of facilities have been developed across Wales in response to this, including Parc Adfer energy from waste site in Flintshire which is due to become operational in the latter part of 2019 and the AD food waste facility at Rhualt, Denbighshire which are of direct relevance to Conwy. Both facilities have been procured to manage wastes collected by Conwy Council. Parc Adfer also has capacity to manage some residual commercial and industrial wastes, though the amount that could be managed would depend upon the Partner Authorities' requirements. The development of such facilities may impact on commercial waste management companies who rely on local authority contracts.
- 4.5 As a consequence of reducing volumes of waste being deposited in landfill sites, the economic viability of landfill has been impacted. A number of disposal sites have closed in Wales before being completed due to the costs associated with operating versus the revenue generated by deposits. The remaining landfill sites in the North Wales region are operated by commercial companies who could make similar operation decisions. This could leave the region with insufficient capacity and a policy framework

which would then require an additional site/s to be identified. Ultimately, this is a matter that the Welsh Government needs to address.

5. Provision and Need

- 5.1 There are a range of waste management facilities in Conwy, including two disposal sites: Llanddulas, which manages non-hazardous waste, and Ty Mawr Farm, which manages inert waste. The Council operates a number of civic amenity sites and a bulking station and the remainder are operated by private companies. Appendix 1 details permitted facilities in Conwy, i.e. those sites which have an environmental permit issued by Natural Resources Wales which allows them to manage waste. The limited number of facilities compared with many other North Wales authorities is likely to reflect the rural and constrained nature of the County Borough.
- 5.2 Information on arisings is limited at the local planning authority level. Waste returns data provided by NRW can give an indication of the amount of waste being produced within Conwy but needs to be used with caution as it does not include waste sent to exempt facilities and can underestimate waste being produced due to issues with coding and the movement of waste through waste transfer stations. Notwithstanding this, Appendix 2 and 3 show that of the 2,980,262 tonnes of waste received by facilities in North Wales, less than 200,000 tonnes of this was managed in Conwy with the vast majority of wastes managed in Flintshire and Wrexham respectively. This is most likely to be due to the industrial nature of these authorities compared with the other North Wales Authorities and their proximity to England.
- 5.3 A number of planning permissions have been granted within the County Borough since the LDP was adopted, as detailed within Appendix 5. In addition to this, there have been enforcement investigations at a site in Abergele which is in the process of being regularised through the submission of a planning application. The waste management uses within the site have intensified and the site now manages significantly more waste than previously. Significantly, the site now produces a Refuse Derived Fuel (RDF) which is exported off site for recovery and this capacity is significant in a local context.

6. Review of LDP policies

Strategic Policy DP/1 Part 2(i)

- 6.1 Policy DP/1 Part 2(i) is insufficient to secure consideration of waste reduction in all development and should be revised, particularly in light of the anticipated changes to PPW with respect to the Circular Economy. The

policy doesn't require the provision of facilities for the collection, composting and recycling of waste in non-waste development.

Strategic Policy MWS/1 Minerals and Waste

- 6.2 Strategic Policy MWS/1 Minerals and Waste, is the overarching policy for waste and is supported by a number of detailed policies, including MWS/5, MWS/6, MWS/7 and MWS/8. Policy MWS/1 does not make any reference to the need to drive the management of waste up the Waste Hierarchy, in line with national policy and should be revised accordingly.

Policy MWS/5 Proposals for Waste Management:

- 6.3 Policy MWS/5: Proposals for Waste Management: supports proposals where they meet a need identified in the North Wales Regional Waste Plan or need arising at a local level; subject to existing or approved facilities being unable to meet the need; supports the recovery of value from the waste; links requirements contained within other Plan policies.
- 6.4 LDPs no longer have to have regards to the Regional Waste Plan which is now a number of years out of date and no longer relevant for the purposes of waste planning. The Collections, Infrastructure and Markets Sector (CIMS) Plan is confirmed by TAN 21 as providing the starting point in establishing whether there is an adequate network for the disposal and recovery of mixed municipal waste, as updated by the regional monitoring. The CIMS identified a capacity gap of between 203 and 468 thousand tonnes per annum for residual waste treatment. This variation is due to uncertainty regarding arisings and the success of waste reduction programmes and recycling initiatives. In relation to landfill, the CIMS identified that, worst case scenario, landfill would run out in 2016/17 and best case scenario landfill void would last indefinitely.
- 6.5 The CIMS cautions against the overprovision of facility types and TAN 21 advises that overprovision will only be justified on the basis that the facility would be sustainably located. There is therefore a balance to be made between ensuring provision is sufficient whilst avoiding excessive provision. In respect of landfill capacity, TAN 21 identifies the level at which capacity should be maintained and a trigger for action. To date, the trigger for action has not been reached as each year the tonnage of waste being disposed of in landfill has declined. In relation to recovery of waste, significant capacity is in the process of being developed which would manage local authority wastes for the next 25 years. In respect of other waste facility types the level of need is much less clear, and, as long as facilities are appropriately located and move the management of waste up the waste hierarchy, overprovision is less likely to be harmful.

Policy MWS/6 Locations for Waste Management Facilities

- 6.6 Policy MWS/6 protects Llanddulas Quarry and Gofer for waste facilities and identifies a range of facility types which may be suitable at these sites. The requirement to allocate land for waste management was set out in the Regional Waste Plan 1st Review and the allocations deemed sufficient to meet the identified need. As detailed above, the Regional Waste Plans are no longer relevant and the need for land is no longer quantified. Capacity being developed within the region is sufficient to meet the lower threshold set out in the CIMS Plan and disposal capacity within the region is identified as currently sufficient. Nonetheless, waste management requirements need to be considered through the RLDP to ensure that there are genuinely available and suitable sites. Failure to address this matter through the RLDP leaves the Council open to applications on greenfield sites.
- 6.7 Llanddulas is owned by a private company, FCC, who currently operate a non-hazardous landfill and composting facility from the site. The area identified for future waste management operations has been the subject of two planning applications: 0/38815, which was approved in 2012 and has now lapsed and 0//43047 which was approved on 03/02/2017 for a waste transfer station which would manage up to 40,000 tonnes municipal wastes and 40,000 tonnes inert wastes per annum.
- 6.8 As part of the RLDP process the owners of Llanddulas have put forward land within their ownership for a variety of different uses. This matter will need to be kept under review when considering the deliverability of the site and its genuine availability for waste management uses. However, part of the site may continue to be retained for a variety of waste management uses and part retention in the policy is recommended to ensure that provision is available for waste management and in particular the recycling of construction and demolition wastes and management of commercial and industrial wastes.
- 6.9 Gofer is owned by the Council and is a former municipal landfill. The availability of Gofer came under scrutiny during an appeal, reference APP/T6905/A/15/3140639. The appeal was against refusal of planning permission, reference 0/41842, for the change of use of land to accommodate an extension of an existing waste management site on land to the west of Gofer. The Council has commissioned a study to explore the potential of the site to accommodate development, taking into account contaminative issues on the site. The study was in two parts, the latter of which provided a detailed assessment of contamination and remediation required to facilitate development. The conclusion of the study is that the site can accommodate open air development but that the construction of a building would require such significant mitigation that the cost would be

prohibitive. As a consequence, the allocation of Gofer needs to be reviewed through the RLDP process.

- 6.10 In addition to allocated sites, industrial land within the County Borough, Tre Marl Industrial Estate, which currently accommodates a major waste management site is due to be lost to an approved application for a new food superstore and restaurant. The waste operator is actively looking for an alternative location within the County Borough. The Council is looking to develop a transfer station to support the North Wales Residual Waste Treatment Partnership Project. Allocating sites would provide certainty to the industry and ensure that waste management facilities are developed in appropriate locations.

Policy MWS/7 Use of Industrial Land for Waste Management Facilities

- 6.11 Policy MWS/7 directs waste management facilities towards existing industrial estates and to rail freight facilities. The policy contains a sequential test which supports the development of sites outside development boundaries where existing or allocated sites are unavailable. Retaining a degree of flexibility is essential because not all waste management facilities are appropriate on industrial sites. There may also be locational reasons as to why a facility should be located in open countryside. The policy was used as one of the reasons for refusal in appeal reference APP/T6905/A/15/3140639.

Policy MWS/8 Landfill Buffer Zone

- 6.12 The policy applies a buffer of 250m around the landfill site, within which there will be a presumption against inappropriate development, which could include residential development, employment, tourism, and community facilities. The buffer zone has been identified because of the potential safety issues associated with gassing from the site and the potential for nuisance from the landfill activities. The underlying strata is limestone which would provide potential pathways for the migration of gas.
- 6.13 The operator of the landfill has indicated that the landfill site will cease accepting non-hazardous wastes within the lifetime of the LDP Review and is considering alternative uses on land within their control. At this stage it is recommended that the policy and associated buffer is retained, though its precise wording and extent may need to be reviewed in light of future intentions for the site.

Appendix 1: Links to Planning Policy Wales

Planning Policy Wales 10, Chapter 5 Productive and Enterprising Places. Compliance Listing. Minerals and Waste Policy Issues.	
Paragraph	Policy Issue
5.11.7 Circular Economy	Understanding and identifying characteristics of a circular economy in preparation of the development plan to design out waste, design choices and designing in re-use and recycling.
5.12.1 Design Choices to Prevent Waste	Opportunities to Reduce or recycle waste in the design, construction and operation of new buildings to be identified in plan strategies and policies.
5.12.6 Design in Locally Sourced, Alternative or Recycled Materials	Policies should encourage reuse and recycling of secondary aggregates, construction, demolition, excavation wastes and other suitable materials.
5.12.8 Design in Locally Sourced, Alternative or Recycled Materials	Innovative approaches to recycling, including 'urban quarries' and builder's merchant yards.
5.13.1 Sustainable Waste Management Facilities.	Framework for sustainable waste management as a resource to meet needs of society and businesses, minimising environmental impacts, risks to human health, protect designated landscape and nature conservation, and protect amenity.
5.13.4 National Waste Policy & Figure 10 Waste Hierarchy	Supportive of facilities which fit with the aspirations of national waste policy Towards Zero Waste and waste hierarchy.
5.13.8 Waste Assessments and Monitoring.	Demonstrate how national waste policy and CIM Sector Plan are taken into account.
5.13.12 Provision of Wide Ranging and Diverse Waste Infrastructure.	Suitable locations for sustainable waste development to be identified in development plans and criteria for determination of development. Realistic provision for certain facilities that may be detrimental to amenity, conservation or a potential source of pollution.
5.13.14 Waste Assessments and Monitoring	Encourage recycling and re-use of construction and demolition waste, mineral and industrial wastes. Every Authority, independently or with its neighbours make provision and should identify preferred locations for recycling, storage and processing of inert materials, and criteria for assessing

	recycling sites if suitable sites cannot be identified.
5.14.50 Restoration and Aftercare	Restoration and aftercare should provide the means to at least maintain and preferably enhance the long term quality of land and landscapes taken for mineral extraction.
5.14.54 After-use	Guiding principles and minimum standards for restoration.
5.14.55 After-use	Where appropriate, development plans, informed by green infrastructure assessments, including local biodiversity action plans and countryside strategies, should provide guidance on the preferred after-uses and reclamation standards. A choice of after-use will depend on many issues, including the overall strategy of the development plan, as well as the location, final landform, availability and quality of soils or other restoration materials and neighbouring land uses.

Appendix 2: Permitted Waste Facilities in Conwy: Source NRW 2018

Permit Number	Town/City	Category
QP3194FY	Abergele	End of life vehicle facility
DP3194FK	Llandudno Junction	End of life vehicle facility
RP3394FS	Llandudno	End of life vehicle facility
MB3097TG	Abergele	Household Waste Recycling Centres
MB3397TZ	Colwyn Bay	Household Waste Recycling Centres
SP3594FG	Llanrwst	Household, Commercial and Industrial Transfer Stations
JP3894FM	Abergele	Household, Commercial and Industrial Transfer Stations (including treatment)
EB3931AM	Colwyn Bay	Household, Commercial and Industrial Transfer Stations (including treatment)
UP3794FZ	Llandudno Junction	Household, Commercial and Industrial Transfer Stations (including treatment)
QP3394FB	Kinmel Bay	Household, Commercial and Industrial Transfer Stations (including treatment)

AP3494FF	Colwyn Bay	Household, Commercial and Industrial Transfer Stations (including treatment)
HP3591EZ	Abergele	I&C MRF
BP3330LS	Abergele	Inert Landfill Site
YP3091ED	Colwyn Bay	Mining and extractive waste facility
RP3695VS	Conwy	Mining and extractive waste facility
NB3634RX	Conwy	Open Windrow Composting
CB3432AA	Conwy	Open Windrow Composting
ZP3097ET	Conwy	Use/treatment of inert waste for land reclamation or construction

Appendix 3: Waste Managed by Waste Facilities in Conwy in 2016: Source NRW

Facility Type	Total
CA Site	11,292
Car Breaker	724
Composting	14,103
Deposit of waste to land (recovery)	1,384
Haz Waste Transfer	5,419
Inert LF	19,823
Material Recycling Facility (MRF)	486
Non Hazardous Landfill	45,767
Non-Haz Waste Transfer	96,289
Grand Total	195,287

Recorded Origin	Total
Cheshire East	7
Cheshire West and Chester	489
Conwy	111,598
Denbighshire	60,759
Derbyshire	20
England	10
Flintshire	9,613
Gwynedd	4,829
Isle of Anglesey	5,139
Liverpool	1
Manchester	212
Powys	48
Shropshire	11
Wales	897
Warrington	0
Wirral	8
Wrexham	156
York	1
(blank)	1,488
Grand Total	195,287

Appendix 4: Waste Removed from Conwy Waste Facilities in 2016: Source NRW

N.B In addition to the wastes identified below, 2,965 tonnes were managed at Rhullt AD and 390 tonnes were managed at Llwyn Isaf AD in 2016.

Destination WPA	Tonnes
Bedford UA	53
Cheshire East	2,110
Cheshire West and Chester	180
Conwy	23,175
Darlington	150
Denbighshire	492
Derbyshire	103
Flintshire	18,332
Gwynedd	3,082
Hampshire	27
Isle of Anglesey	23
Kent	428
Kingston Upon Hull City	7,837
Lancashire	73
Leeds	0
Leicestershire	280
Lincolnshire	26,840
Liverpool	1,220
Manchester	3,976
Newport	30
Northamptonshire	26
Northern Ireland	21
Nottingham City	208
Powys	0
Salford	0
Shropshire	2,886
Staffordshire	10
Stoke-on-Trent City	100
Wakefield	25
Warrington	40
WPA Not Codeable	1,097
Wrexham	4,496
(blank)	17
Grand Total	97,338

Appendix 5: Local Authority Waste Collected in North Wales

Local Authority	2008/ 09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Conwy	77,200	72,500	67,800	67,200	66,800	63,900	64,300	63,523	63,000
Denbighshire	48,800	44,400	44,000	42,100	43,500	42,600	42,000	42,333	44,000
Flintshire	87,900	87,700	88,300	86,900	88,100	89,900	84,500	85,456	86,000
Gwynedd	79,900	80,300	77,600	76,400	77,000	77,000	73,100	73,259	75,000
Isle of Anglesey	44,500	43,200	43,800	43,200	41,900	39,500	39,600	40,268	39,000
Wrexham	82,200	79,000	80,100	77,400	75,800	80,600	80,100	83,271	88,000
North Powys	41,200	39,800	38,100	38,000	39,300	36,800	36,000	34,441	33,000
Total	461,700	446,900	439,700	431,200	432,400	430,300	419,600	422,551	428,000

Appendix 6: Planning Applications for Waste

Application reference	Location	Description	Decision	Date
0/40956	Windmill Site, Abergele	Change of use of land to accommodate extension of existing waste management site.	Withdrawn	18/06/2015
0/41702	Bron Y Nant Road, Mochdre	Addition of a waste transfer station to existing skip hire facility.	Approved with conditions	30/08/2016
0/41842 Appeal Ref: APP/T6905/A/15/ 3140639	Windmill Site, Abergele	Change of use of land to accommodate extension of existing waste management site.	Refused and appeal dismissed	Refused 18/08/2015 Appeal dismissed 25/04/2016
0/42140	Caerhun Farm	Construction of an agricultural building for composting green waste.	Approved with conditions	16/02/2015
0/43047	Llanddulas Quarry	Change of use and extension to former workshop to form a waste transfer station and use of land for the storage of recovered wastes and processing and storage of inert waste.	Approved with conditions	10/02/2017
0/43793	Civic Amenity Site, Bron Y Nant Road	Change of use to form an outlet for the sale of second hand goods, construction of first floor, entrance lobby, first floor storage area and secure store room. To divide the existing depot grounds and erection of fencing and gates. Alterations to boundary fences and gates, existing services and building. Creation of a layby for 3 vehicles and 2 no vehicle spaces within the existing site.	Approved with conditions.	03/05/2017