

**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Delivering Zero Waste Supplementary Guidance****Report by Director (Environment)**

This report provides a summary of the comments received on the Delivering Zero Waste Supplementary Guidance published for consultation in June 2016. It makes recommendations for changes, where appropriate. It seeks consent to finalise and adopt the Supplementary Guidance to support the Local Development Plan (adopted 3 February 2014).

**1. BACKGROUND / MAIN ISSUES**

- 1.1 Under section 22 of the Planning etc. (Scotland) Act 2006 and regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, Supplementary Guidance can be adopted and issued by a planning authority in connection with a Local Development Plan (LDP). Unlike the LDP which requires to be made available for a period of representation, supplementary guidance is made available for consultation and the comments received are not subject to Examination by a Reporter.
- 1.2 The Delivering Zero Waste supplementary guidance has been prepared to support Policy EP9: Waste Management Infrastructure. The aim of this guidance is to explain the approach taken towards waste within Perth and Kinross and provide guidance to developers on the siting and design of waste management infrastructure. This guidance is aimed primarily at developers, agents and others involved in the preparation of planning applications.
- 1.3 Perth and Kinross has experienced growth for a sustained period of time and the area continues to be one of the fastest growing in Scotland. An increasing population means an increased demand for new housing, employment opportunities and all the associated infrastructure requirements including waste management infrastructure. Local Development Plan Policy EP9: Waste Management Infrastructure protects existing waste management sites and provides guidance on the development of new waste management infrastructure.
- 1.4 The Delivering Zero Waste Supplementary Guidance demonstrates the progress made by Perth and Kinross Council in achieving the aims of enabling those living in the area to lead a Zero Waste Lifestyle. As well as this, it provides a summary of the Waste Management Infrastructure sites within Perth and Kinross, and the current capacity of these sites. Furthermore, the guidance provides information for developers to ensure that the principles of the Zero Waste Plan are incorporated into all new developments.

- 1.5 The LDP sets out a list of Supplementary Guidance to be prepared to support the policies and proposals in the Plan, an updated programme for which was approved by the Enterprise & Infrastructure Committee on 20 January 2016 (Report No. 2/16 refers). As part of this programme, the Delivering Zero Waste Supplementary Guidance was consulted on from 3 June – 15 July 2016. This report considers the comments that were received and suggests changes to the Guidance, where considered appropriate.
- 1.6 The Chief Planner wrote to all Heads of Planning on 15 January 2015 suggesting that there needs to be a different approach taken towards supplementary guidance. His letter advises that local authorities are taking different approaches to supplementary guidance, not all of which are appropriate. It states that it is “essential that supplementary guidance is limited to the provision of further information or detail and that the local development plan expressly identifies the matters to be dealt with in supplementary guidance”. Having reassessed this proposed supplementary guidance, we are confident that it complies with the Chief Planner’s advice. It is referred to specifically within the Plan and provides further guidance in respect of certain policies in the Plan.

## **2. KEY CONCERNS, RESPONSES AND PROPOSED CHANGES**

- 2.1 The consultation period for the supplementary guidance was advertised in the local press and information was posted on the Council’s website and on the Council’s social media sites. All those who made representations to policy EP9 through the LDP examination process were notified, as were all Community Councils.
- 2.2 4 responses were received to this consultation exercise, containing 17 comments. Respondee include members of the public, Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA). The comments received are summarised in Appendix 1. Although a small number of responses were received, the comments were generally very useful and have helped shape the final document, allowing a small number of modifications and improvements to be made. The Zero Waste Guidance can be found in appendix 2.
- 2.3 Overall support was received for the Delivering Zero Waste Supplementary Guidance, with a few minor modifications to ensure policy references were accurate and referred to the most up to date legislation and guidance.
- 2.4 Appendix 1 provides a more detailed summary of all the consultation responses and the recommended Council response to them.

### 3. CONCLUSION AND RECOMMENDATIONS

3.1 This report considers the changes that are suggested to Delivering Zero Waste Supplementary Guidance as a result of public consultation. Following consideration of this report, the guidance will be finalised and submitted to Scottish Ministers. On completion of this process, the guidance will become statutory policy and have the same status as the Local Development Plan.

3.2 It is recommended that the Committee:

i) Approves the Delivering Zero Waste Supplementary Guidance, with the changes proposed for acceptance in Appendix 1, as a key policy document to support the Local Development Plan;

ii) Remits the Director (Environment) to finalise the Supplementary Guidance and submit it to Scottish Minister prior to adoption;

iii) Remits the Director (Environment) to approve minor changes to the Supplementary Guidance, if requested by Scottish Ministers and proceed to adoption.

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#### Approved

Name	Designation	Date
Barbara Renton	Director (Environment)	9 August 2016

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>None</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>Yes</b>
Sustainability (community, economic, environmental)	<b>Yes</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 This section should set out how the proposals relate to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the following priorities:

- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

- 1.2 This section should set out how the proposals relate to the achievement of the Council's Corporate Plan Priorities:

- (i) Giving every child the best start in life;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

## **2. Resource Implications**

### Financial

2.1 There are no direct financial implications arising from this Report.

### Workforce

2.2 None.

### Asset Management (land, property, IT)

2.3 None.

## **3. Assessments**

3.1 An Integrated Appraisal of both the Delivering Zero Waste Supplementary Guidance has been undertaken using the Integrated Appraisal Toolkit which combines the functions and requirements of Equality Impact Assessment, Sustainability Assessment and the pre-screening / screening for Strategic Environmental Assessment.

### Equality Impact Assessment

3.2 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

3.3 The Delivering Zero Waste Supplementary Guidance was considered under the provisions of the Equality Act 2010 using the Integrated Appraisal Toolkit with the following outcome:

- (i) Assessed as relevant and the following positive outcomes expected following implementation:
  - The Supplementary Guidance supports the land use policies and proposals of the LDP. The implementation of the Guidance is not determined by a person's race, gender, disability or any other protected characteristic. The benefits of both guidance documents will be equally accessible to all and therefore the Guidance should have neutral impact on the population in terms of equality.

### Strategic Environmental Assessment

3.4 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

- 3.5 This section should reflect that the proposals have been considered under the Act and no action is required. The Supplementary Guidance presented in this report has previously been screened and proposed changes are of a technical nature and will not change the content of the documents in line with the Environmental Assessment (Scotland) Act 2005.

#### Sustainability

- 3.6 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.7 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and the Climate Change Act using The Integrated Appraisal Toolkit. The Supplementary Guidance, which supports the policy framework set out in the Local Development Plan, which seeks to achieve sustainable development and reduce the impact of climate change through its emerging vision, strategies, policies and proposals, will have a further positive impact on sustainable development and climate change.

#### Legal and Governance

- 3.8 None.

#### Risk

- 3.9 None.

### **4. Consultation**

#### Internal

- 4.1 The Waste Services team has been consulted, and provided comments on this guidance document.

#### External

- 4.2 A full public consultation has been undertaken in the preparation of the supplementary guidance considered in this report. Feedback was received from the public, SNH and SEPA.

### **5. Communication**

- 5.1 None.

## **2. BACKGROUND PAPERS**

- 2.1 Local Development Plan February 2014

2.2 Local Development Plan Strategic Environmental Assessment

2.3 Letter form the Chief Planner

**3. APPENDICES**

3.1 Appendix 1: Comments Received on Delivering Zero Waste Supplementary Guidance

3.2 Appendix 2: Delivering Zero Waste Supplementary Guidance

