

### Appendix 3 – summary of consultation feedback and the council’s response

The table below summarises the issues raised in the consultation on the document ‘Waste storage and collection: guidance for developers (draft SPD)’ and how the council has responded to these issues.

Number	Issue raised	How has the issue been addressed in the draft SPD?
1.	Queries as to why planning professionals had not been consulted on the document to date	<p>The reason for the lack of consultation until this year was that at the point that the need for the consultation was identified, it was decided to wait until the council’s implementation of its CIL policy was introduced and, subsequently, the Planning Obligations SPD was adopted, because these two documents would have required changes to the draft SPD. Consequently, once these were adopted, some tailoring of the draft SPD was required to prepare it for consultation.</p> <p>Paragraph 0.3 of the draft SPD has been updated to explain the timetable for the formal consultation with external parties.</p>
2.	Concern that the lack of a public consultation means that references to residents’ views in the draft SPD are not valid	<p>One of the reasons that the SPD was drafted was to address concerns raised by residents who lived in new developments. Problems experienced included bins from multiple properties being stored outside of a single household, due to a lack of suitable space for containers to be stored elsewhere on a development and residents having to wheel bins over lengthy distances to get to a collection point. The former problem causes persistent nuisance to occupiers of the property where bins are stored outside of which affects their quality of life, while detracting from the general appearance of a development. The latter issue makes waste services less accessible and can make some residents less likely to recycle due to the effort involved in carrying containers over lengthy distances to reach the collection point.</p> <p>An additional bullet point has been included in paragraph 1.1 to state that the document aims to address problems identified by residents of new developments, to clarify that residents’ concerns have been considered in development of the document.</p>
3.	Question over whether the council was seeking to ignore consultees’ representations, due to a statement in the draft SPD which stated that where the document is updated to take account of	<p>The concern regarding not taking account of consultees’ responses was generated by a possibly unclear statement in the draft SPD that was consulted upon. Because the council’s waste services will change from August 2017, the draft SPD will have to be updated to reflect the change in use of the wheeled bin and black box for recycling. The intention of paragraph [0.4] in the draft SPD was to explain that</p>

	<p>forthcoming service changes, a further consultation would not be undertaken</p>	<p>where such changes were made, a further consultation would not be undertaken as it would not impact upon the amount of space that would be required for container storage, for example. However, on reflection, the drafting was ambiguous. A consultee took the statement to mean that responses to the consultation would not be considered prior to adoption of the document, which is not the case. The council has a duty to carefully consider the responses receive.</p> <p>Paragraph 0.4 has been updated to clarify the limited circumstances under which the SPD would be changed but where further consultation would not be undertaken. Paragraph 0.3 has also been amended to outline the form of consultation and the results received.</p>
<p>4.</p>	<p>Belief that the draft SPD is at odds with a national move towards cutting red tape as it introduces additional financial burdens on developers (in one case stating that the SPD is unnecessary and should not be adopted)</p>	<p>To developers, the move towards attaining SPD status for waste and recycling in new developments is being perceived as an additional hurdle in the planning process. National planning policy states that “Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development” (National Planning Policy Framework (NPPF) (2012), paragraph 153). It is the view of officers that the draft SPD meets the purpose set out in the NPPF.</p> <p>The council already has policies that outline the need for waste management to be integrated into the design process. The Wiltshire Core Strategy identifies sustainable waste management facilities as “essential components of daily life and therefore critical to delivering our strategic goal of building more resilient communities” (Wiltshire Core Strategy, paragraph 2.19), which is confirmed in Core Policy 3, which lists waste management services as essential infrastructure (paragraph 4.41). The strategy also states that “new development will be supported by sustainable waste management” (paragraph 3.5) as one of a range of measures for addressing climate change.</p> <p>Responses to planning applications from the waste management service consider these policy provisions in determining whether an application can be supported. The strategic policies do not provide the detail about how to meet these requirements, which is entirely appropriate, so the draft SPD supplies the detail to support the policies already in effect. In this regard, the draft SPD helps developers</p>

		<p>make successful applications in line with existing council policies.</p> <p>The council has been supplying a version of the draft SPD with responses to planning application consultations consistently since 2014 so there ought to be some awareness of it. To date developers may have viewed it as optional guidance, so the move to adopt the document as a SPD has perhaps generated the view that it is additional red tape. The waste management service has liaised with the spatial planning team to ensure that adopting the document as a SPD is the correct approach.</p> <p>The SPD has been amended to include further references to council policies in paragraph 1.3 to highlight the extent of the policy basis for developing the SPD, with additional references in the bullet points within paragraph 1.1 to make clear that the SPD intends to facilitate successful applications and to deliver infrastructure.</p>
5.	<p>Queries over a range of measurements quoted in the SPD and whether they complied with legislation and guidance that is already available (e.g. how far a resident should be expected to wheel their bin to a collection point)</p>	<p>A number of queries were raised regarding measurements referenced in the draft SPD, with concerns regarding the relationship between what the council was stating in the draft SPD and information in other guidance documents such as Department for Transport's <i>Manual For Streets, Approved Document H</i> (produced to support Building Regulations) and the British Safety Institute's guidance, BS 5906:2005. The result of the differences between the sources was, in the opinions of consultees, that design requirements were onerous for developers, limiting the use of land.</p> <p>In drafting the SPD, officers had to consider the overall impact of complying with recommendations from the documents listed above with its health and safety duties. One critical issue concerns how far collection crews are expected to move containers during operations. <i>Approved Document H</i> states that containers should be within 25m of the waste collection point specified by the waste collection authority, with the implication being that collection crews will manoeuvre containers over that distance. Health and Safety Executive (HSE) advice to waste collection managers in designing services is to "Ensure that material for collection is easily accessible, placed at the property boundary where possible" (Safe waste and recycling collection services, HSE, paragraph 30). To manage the risk of musculoskeletal injuries, the council has a duty to minimise the distances for manual handling and included a limit on carry distances on 10m in the draft SPD.</p>

Further guidance from the HSE states that “Collection organisations usually do not have direct control over the environment in which they operate. Therefore steps should be taken to work with clients, other dutyholders and organisations to ensure the safety of crews, road users and pedestrians” (Safe waste and recycling collection services, HSE, p.8). The example of a longer-term control is to “work with planners to reduce the need for reversing and build in turning circles and roads that are wide enough” (Safe waste and recycling collection services, HSE, p.8). The draft waste guidance SPD aims to introduce such control measures and is a critical tool in demonstrating that the council is taking steps to prevent exposure to risks as far as reasonably practicable.

In addition to these health and safety reasons, a service where walking distances are minimised is more efficient and sustainable in the longer term. Some consultees have asked that the 10m limit be removed but it has been retained in the drafting to ensure that the service remains deliverable in terms of both safety and efficiency.

In developing the draft SPD, the council has aimed to use the guidance available to planners, such as *Manual for Streets* and *Approved Document H*. However, the council is responsible for its operational policies to meet its statutory duties and, while it considers available guidance in developing its approach, it has to determine whether delivery of its services is minimising risks as far as is reasonably practicable.

One change that will be made is to change the guidance on the distance that residents should be expected to carry their waste from 25m to 30m to reflect the drafting in *Approved Document H*. The initial drafting was based upon a difference in the meaning of collection point across the range of source documents, as it could be taken to mean where the vehicle stops to collect or it could mean where a resident leaves their bin for collection, where the two are not the same. The change will reduce the impact of the draft SPD on the space available at new developments.

Further concerns were raised about inconsistency between the draft SPD and information on the council's website regarding vehicle dimensions, with consultees

		<p>believing that the measurements quoted in the draft SPD were incorrect. The discrepancy was caused by the information on the council's website not including the width of wing mirrors and the length of the lifting equipment and associated safety equipment. The information in the draft SPD is correct, taking account of the full length and width of an operational vehicle.</p> <p>To account for this issue, amendments have been made to Appendix A, which sets out vehicle dimensions. The length and width of vehicles have been further broken down to demonstrate the length and width specifically attributable to ancillary equipment so that developers are clear about the extent of the vehicle body and any overhang caused by the ancillary equipment.</p>
6.	In relation to issue 5, concern that the council's requirements are reducing the capacity to use long private driveways as a means of making efficient use of land	<p>In respect of private driveways, the waste service's guidance does require a limit on the length of private driveways or some means for properties at the end of such a driveway to be able to move their waste to a nearby accessible highway. For reasons of health and safety and efficiency (as per the response to 5), the approach is retained in the draft SPD taken forward for adoption. From a design perspective, the council's urban design team supports the waste service's approach and contributed to development of the draft SPD.</p> <p>To mitigate the risk of limiting land use, paragraph 3.10 has been added to the draft SPD to give officers responding to planning application consultations some discretion to allow some leeway where individual circumstances in an application mean that minor increases to distances can be permitted.</p>
7.	Suggestion that the council uses smaller vehicles to service new developments, as the use of large refuse collection vehicles (RCVs) is at odds with the principles of good design [and making streets more accessible to pedestrians and cyclists]	<p>The council uses large vehicles to enable it to operate efficient collection rounds. Smaller vehicles have smaller payloads and require more regular refuelling. If the council's fleet consisted of mainly smaller vehicles, the costs of the services would increase because each vehicle needs staff to operate it and depot space to park in. While sources such as <i>Manual for Streets</i> promote the use of smaller vehicles, they do not acknowledge the costs to councils of running a service in this way. The council's smaller vehicles are broadly at capacity due to the rural nature of the county and the layout of historic town/city centres. The principles of waste collection service design mean that use of smaller vehicles is limited to these areas and sustainable services rely on new developments being accessible to standard vehicles.</p>

		A paragraph has been added to Appendix A of the SPD to explain the limited use of smaller vehicles.
8.	Assertion that the council's reliance on Section 106 agreements to contribute towards the cost of providing waste and recycling containers is not compliant with the Community Infrastructure Levy (CIL) Regulations 2010	<p>The council's requests for s106 contributions are based on existing council policies. The Wiltshire Core Strategy identifies waste management facilities as essential infrastructure. The Planning Obligations SPD goes further to identify waste and recycling containers as the type of essential infrastructure for which s106 contributions are applicable, rather than CIL. CIL intends to deal with funding infrastructure that is not site specific, but container provision is directly related to the type and scale of a development, as containers are issued on a per-residential-unit basis, and consequently can be considered as site-specific infrastructure.</p> <p>Policy WCS6 of the Waste Core Strategy requires developers "to design and provide facilities for occupiers of the development to recycle/compost waste [...] and/or facilities within individual groups of properties or premises for the source separation and storage of different types of waste for recycling and/or composting". Wiltshire Council retains control of procuring containers that are issued to occupiers of residential properties. The reasons for this are to ensure that the containers are compatible with lifting equipment and that branding – which is essential for ensuring that residents know what materials are designated for each container – meets the required standard. As a developer cannot directly provide the facilities for the separation and storage of waste, instead the requirement under WCS6 is met by securing a section 106 contribution.</p> <p>The council's request for s106 contributions for waste and recycling containers is embedded in council policies, which are designed to meet the requirements of both CIL and the Town and Country Planning Act 1990. The SPD already explains the justification for the request, so the document will not be updated to reflect this further.</p>
9.	Suggestion that the inclusion a Section 106 contribution level for larger developments to contribute towards the cost of providing an additional RCV was unnecessary and should be removed, as this could be negotiated on a case-by-case basis	<p>The inclusion of an indicative s106 contribution to identify the costs of providing an additional RCV has been included in the draft SPD so that developers are aware of the potential costs that they would be exposed to when making an application. While many developments would not trigger the requirement for a s106 contribution related to the purchase of a vehicle, the indicative figure will be retained in the SPD so that developers have clarity over their potential liabilities at the earliest stage in the application process. The SPD will not be updated, as the limited application of</p>

		this possible contribution is already made clear.
10.	Recommendation to remove the list in Table 7 of the draft SPD, which sets out what information the council requires to assess the impact of planning applications on waste management services, because it generated additional red tape	<p>The list which identifies the information that the council wishes for applicants to include in plans was devised to ensure that officers responding to planning application consultations have sufficient information to assess whether a proposed development meets the councils policies, including consideration of whether waste management services can be delivered sustainably.</p> <p>The focus of this requirement is to speed up the process of responding to application consultations and to remove or minimise the need for parties to engage in protracted back-and-forth discussions on technical points that could have been clarified at the outset if plans included the requested information.</p> <p>While it has been suggested that the requirement to provide information is onerous, the work involved to produce plans with the level of detail requested can be offset against time spent dealing with follow-up enquiries from the council where it's not provided.</p> <p>The SPD has been updated to remove the requirement to provide information about internal storage space for waste, as there isn't a policy basis for requesting this, but other requests have been retained.</p>
11.	Concern that prescriptive requirements for designing bin stores for flats and other grouped dwellings create an unnecessary burden for developers	<p>The requirements for collection arrangements for flats in paragraph 5.6 of the draft SPD have been specifically developed to deal with an aspect of new developments that has caused problems for the council in delivering services and for residents who have to use or who overlook bin stores. The exposure to health and safety risks for crews increases where bin stores, including access and egress, are poorly designed. For residents, ineffective bin stores become unpleasant quickly. In turn, residents' willingness to recycle reduces as trips to bin stores are minimised to just residual waste. This affects the sustainability of the service, as recycling performance is poor and collection operations are time consuming due to having to report on problems and negotiate difficult site layouts.</p> <p>On this basis, paragraph 5.6 of the SPD has not been changed because of its importance in delivering sustainable waste management services for flats.</p>
12.	The lack of completed appendices to the draft SPD mean that there is a missed opportunity	The appendices omitted from the draft SPD were not deemed to be critical to the effectiveness of the document as a whole. For example, the proposed new

	<p>to receive feedback from planning professionals on their contents.</p>	<p>development protocol concerns arrangements once a site is occupied and how the council would seek to manage collections in a potentially dangerous environment where construction work is still in progress. While developer feedback may have been useful, the post-occupation arrangements are not in scope of the planning process, The draft Section 106 clauses were not included as they include definitions, triggers for payment and standard wording which are regularly used in such agreements. The appendix was provided as useful information but, as each agreement is individually negotiated, developers have the opportunity to discuss the terms in each agreement.</p>
<p>13.</p>	<p>General concern about prescriptive standards</p>	<p>The waste management service has to operate within limits in order to be efficient. However, the service accepts that there are circumstances where minor deviation from the standards in the draft SPD. A statement has been added to the revised SPD to state that officers responding to planning application consultations may use discretion where minor divergence from the guidance is proposed.</p>