

Wiltshire Council

Cabinet

15 November 2016

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**Subject: Adoption of the Supplementary Planning Document  
'Waste storage and collection: guidance for developers'**

**Cabinet Member: Cllr Toby Sturgis - Strategic Planning, Development  
Management, Strategic Housing, Operational Property  
and Waste**

**Key Decision: No**

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### **Executive Summary**

A significant challenge to delivering waste collection services is site layouts restricting the Council's ability to deliver its services in an efficient and sustainable manner. The document draft Supplementary Planning Document 'Waste collection and storage: guidance for developers' (hereafter 'draft waste guidance SPD') (Appendix 1) has been produced to minimise the impact of such restrictions at new developments. The draft waste guidance SPD provides guidance to developers to ensure that new developments meet the standards set out in the document, such as the width of roads, how much space should be allowed for storage of waste containers and how much turning room collection vehicles require.

Cabinet Member decision SDSPW-02-16 authorised a consultation with planning professionals as part of the process to formally adopt the draft waste guidance SPD as a Supplementary Planning Document.

This report sets out the feedback received through the consultation and how the draft SPD has been altered to take account of the comments received. The requirements of the waste service and the aims of developers do not neatly align because safe, efficient waste collection services require sufficient space while developers seek to make the most efficient use of land to accommodate housing. Ultimately, the Council and its residents live with the consequences where, for example, vehicles cannot access waste collection points, as inefficient arrangements are implemented, which sometimes require residents to carry their waste over longer distances than is reasonable. These effects are long-term and affect the amenity of an area, as well as increasing the costs to the Council of delivering services.

The proposals seek to ensure that waste collection services can be delivered safely and sustainably at new developments, although the feedback received from developers has led to some changes to the draft SPD to limit some of the impacts on developers.

## **Proposals**

Cabinet is asked to:

- (i) Recommend that full Council adopts the revised document 'Waste collection and storage: guidance for developers' (draft waste guidance SPD) (Appendix 2) as a Supplementary Planning Document
- (ii) Delegate to the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing a decision to approve future changes to the draft waste guidance SPD, limited to items which take account of the new services delivered under the Lot 5 Contract for waste collection services awarded by Cabinet in January 2016 without the recourse to a further consultation with planning professionals, as described further in paragraph 15.

## **Reason for Proposals**

To enable the Council to:

- (i) Improve service delivery for residents in new developments
- (ii) Increase the efficiency and safety of waste collection operations at new developments
- (iii) Demonstrate that it is taking steps to manage its statutory duty in relation to the health and safety of its employees and the public
- (iv) Provide clarity for property developers and agents in respect of the Council's requirements as the waste collection authority under the Environmental Protection Act 1990
- (v) Increase the recovery of Section 106 contributions where it is considered lawful to do so.

**Dr Carlton Brand**  
**Corporate Director**

**Wiltshire Council**

**Cabinet**

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**Key Decision: No**

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**Purpose of Report**

1. The purpose of this report is to:
  - (i) update Cabinet on the results of the consultation on the draft Supplementary Planning Document 'Waste storage and collection: guidance for developers' (hereafter 'draft waste guidance SPD') (Appendix 1)
  - (ii) present the revised draft waste guidance SPD (Appendix 2) to Cabinet for their approval to recommend that full Council adopts the document
  - (iii) seek a decision to delegate to the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing a future decision to update the draft waste guidance SPD to account for operational changes brought about by the new Lot 5 Contract for waste collection services.

**Relevance to the Council's Business Plan**

2. The adoption of the draft waste guidance SPD (see Appendix 2) will help to meet the priorities of the Council's Business Plan, including:
  - Outcome 3: Everyone in Wiltshire lives in a high quality environment
  - Principle 2: We are efficient and provide good value for money for our residents
  - Principle 3: We put outcomes for people and places first
  - Principle 6: Our services work well, are joined up and easy to access
  - Actions: We will increase recycling and reduce our carbon footprint.

**Main Considerations for the Council**

3. The draft waste guidance SPD is a technical document which provides property developers and agents with key information about waste collection services at the earliest stage of the design process, to ensure that new developments are designed and built to enable the waste collection service to operate safely, efficiently and sustainably. It sets out information such as the sizes of vehicles used for waste collection by the Council, the maximum distances between residents' container storage

- points (e.g. rear gardens) and collection points, and key features of communal bin stores.
- 4. The proposals will not result in a change of service to residents. If the draft waste guidance SPD is adopted, the service to residents will remain the same in terms of the containers used and the materials collected. At new developments these services should be more accessible where the content of the draft waste guidance SPD informs the design of developments.

### **Benefits of adopting the draft waste guidance SPD**

- 5. There are direct financial benefits to adopting the draft waste guidance SPD into Council policy. It will finalise the policy basis for requesting Section 106 contributions from developers under the Town and Country Planning Act 1990 towards the cost of providing waste and recycling containers to households (see paragraph 31 for the background to this issue). It should embed the process of securing contributions in the planning application process. For developments with 11 or more residential units, each house would attract a contribution of £91 (except where flats have communal bin stores, where the figures adjust depending on the number of containers shared communally). Developments with fewer than 11 residential units would not be eligible for Section 106 contributions, in accordance with government guidelines on small developments. It should be noted that requests for Section 106 contributions are being made, and payments being received, currently in response to planning application consultations. While there is a policy framework in place through the Wiltshire Planning Obligations SPD, further detailed policy backing via the adoption of the draft waste guidance SPD will enhance the justification for the request by providing the means of calculation and by giving developers clarity on their Section 106 liabilities at the outset.
- 6. In addition, the SPD status will improve access to waste collection services at new developments and emphasise that waste management is a material planning consideration. This will reduce the amount of officer time spent dealing with the consequences of inadequate access to waste services once a development is built, such as where vehicles cannot access all parts of a site. It will also reduce the number of roads that require an inefficient, expensive bespoke solution (e.g. collections being made on smaller vehicles where the majority of the development is served by a standard vehicle) which will help to meet the Business Plan principle of being efficient and offering value for money. The Council has experience of operating at sites where arrangements for waste collections do not meet the standards in the SPD and, in such cases, participation in recycling services suffer. For example, if residents have to wheel bins over an excessive distance to receive a collection, some residents will revert to only putting out their general waste although some will recycle.
- 7. Achieving SPD status will have a positive impact on customers. Any residents who move into new developments that are designed in accordance with the draft waste guidance SPD are far less likely to have

to deal with problems caused by having insufficient storage space for bins or inadequate vehicle access to make collections feasible. These problems can lead to unsightly accumulations of bins at areas not designated for waste storage, which is counter to the high-quality environments that the Council's Business Plan aspires to.

8. Alongside these environmental benefits, the services will also be more accessible to residents and, in particular, would be easier for older and other vulnerable adult residents to use independently, without requiring help from others to put their bins out for collection. At some developments where the Council's requirements are not met, residents have to wheel/carry their containers over distances exceeding those set out in Building Regulations in order to receive a collection. This inconvenience can prevent residents from making full use of services, with recycling performance usually suffering as a result through reduced set out of recycling containers and increased amounts of waste being presented in residual waste bins. Such an outcome would be counter to the action of increasing recycling stated in the Business Plan.
9. A sustainable waste collection service is an essential component of a high-quality environment, so adoption of the draft waste guidance SPD would help to ensure that waste collection is a seamless, unobtrusive part of everyday life in new developments.
10. It should be noted that while the draft waste guidance SPD will improve service accessibility, it cannot control the parking habits of residents once a development is occupied. Through responses to planning application consultations, the waste service looks at the impact of allocated parking on access to collection vehicles. However, once a development is occupied, residents or other site users may park outside of these allocated areas and impair access to collection crews. Other measures involving other departments or partner agencies may be required to address any such issues.

### **The consultation process**

11. Undertaking a consultation process is a required stage in the process of adoption of a SPD in accordance with the Council's Statement of Community Involvement (SCI). It provides the opportunity to engage with developers and agents and understand any concerns they might have about the document. Prior to the external consultation, officers in waste management services consulted with colleagues in other services, as further described in paragraphs 34 to 37.
12. The external consultation took place between 15 June and 13 July 2016 for the minimum period of four weeks required by the Council's SCI. It was targeted at property developers and agents because of the technical nature of the document. Emails were sent directly to developers and agents from a list contained within the Council's Objective portal. The consultation documents were available on the Objective portal, with reference copies available in Chippenham, Salisbury and Trowbridge libraries. Responses to the consultation could be submitted electronically

on the portal, by email to the waste services dedicated planning inbox, on paper in libraries or by post to County Hall. These methods enabled the general public to comment on the draft SPD if they wished, although they were not the target audience.

13. The response to the consultation was very low with only 6 responses received, when over 500 contacts from a range of organisations were directly contacted by email (albeit some of the contacts on the list were from different offices within the same company). However, the responses received identified some key issues that had been raised informally by developers in the past, so they have been valuable in refining the drafting of the SPD.

### **Main issues raised in the consultation**

14. The main issues raised in the consultation are summarised in Appendix 3. In general, the issues concerned the following areas:
  - (i) Concern that the draft waste guidance SPD was creating a financial burden for developers due to its impact on the use of space at a development site
  - (ii) In relation to the above, concern that the impact on space will limit the use of private driveways (roads – usually cul-de-sacs – in new developments which are not suitable for adoption and remain in the ownership of the residents, even once other roads within a development are adopted by the council, but which are generally suitable for waste collection vehicles to operate on) at new developments
  - (iii) Belief that the draft waste guidance SPD increased red tape in the planning process, which is at odds with the national movement to remove red tape
  - (iv) Assertion that the requests for s106 contributions do not comply with CIL
  - (v) Question over whether the Council can use smaller vehicles to mitigate the impact on the use of space.
15. One additional concern raised was the perception that paragraph 0.4 of the draft waste guidance SPD suggested that the Council would not take account of consultation feedback. The drafting attempted to explain that where the Council services change when the new waste collection contract comes into effect in August 2017, the document will be updated to reflect the different use of containers, such as the black box being used for glass only in future. The document would not be reissued for consultation in these circumstances because the impact on the space that developers need to allow for waste containers, for example, would not change. However, on reflection, the paragraph was ambiguous and has been updated in the revised version to make clear that it is only in these limited circumstances that a further consultation would not be undertaken.

### **The Council's response to the consultation**

16. The Council's response to these concerns is set out in Appendix 3. In summary, the Council's intention is that the draft waste guidance SPD

provides detail to support existing Council policies and provide guidance to enable developers to make successful applications rather than introducing new policies or red tape. In policy terms, sustainable waste management is among a list of items identified as “essential components of daily life and therefore critical to delivering our strategic goal of building resilient communities” in paragraph 2.6 of the Wiltshire Core Strategy. One of the purposes of the draft waste guidance SPD is to ensure that sustainable services are safeguarded in the design process.

17. The policy justification for requesting Section 106 contributions is well established and takes account of the CIL Regulations. Waste containers are examples of site-specific infrastructure and, therefore, are in scope of Section 106 contributions. The policy framework is provided by the Council’s adoption of CIL and the Planning Obligations SPD (both adopted in 2015) and contributions are routinely requested and received.
18. The draft SPD is also an integral component of the Council’s management of its health and safety duties to both staff and members of the public. The Health and Safety Executive (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”. 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.
19. In developing the draft SPD, the Council has aimed to use the guidance available to planners, such as *Manual for Streets* and *Building Regulations: 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. As noted in paragraph 0.2 of *Approved Document H* of Building Regulations, developers are advised to consult with the Council to determine the waste collection authority’s requirements, because only the Council can provide the level of information required. The draft waste guidance SPD intends to set out the Council’s requirements so that developers are clear about the impact of integrating waste services into their designs.
20. It should be noted that since the draft SPD has been appended to the majority of planning application consultation responses submitted by the waste collection service, there has been a marked increase in the number of applications where the requirements of the waste service are being met. While this is not the case for every application, it does suggest that the requirements are workable within the design process, particularly where these requirements are made clear at the earliest point in the process.
21. The draft waste guidance SPD has been updated in light of the responses received. For example, the maximum distance that a resident is expected

to move their containers to a collection point has been extended to 30 metres, in accordance with Building Regulations. The previously used 25 metres was included due to a difference in meanings attributed to the term 'collection point' but, on reflection, should be adjusted. This will reduce the impacts on developers in terms of space restrictions.

22. However, in other areas, the Council has not been able change the document in light of consultation responses. In the example of requesting the use of smaller vehicles to collect waste, the proposal would fundamentally affect the efficiency and deliverability of the waste collection services. An increase in the number of vehicles would require additional depot space and additional personnel, raising the costs of the services and affecting the Council's ability to offer an affordable service.
23. As an overall response to concerns about the lack of flexibility in the document, a general statement has been added to the draft SPD to state that officer discretion will be exercised where restrictions at a site dictate that an alternative approach is required (e.g. where listed buildings are in scope of an application or where only minor divergence from specified distances is required to make a proposal feasible in terms of sustainable waste management).

### **Summary of outcomes and next steps**

24. The feedback provided through the consultation demonstrates that the needs of developers and the requirements of the Council as a waste collection authority do not neatly align. Clearly there is an imperative for developers to make efficient use of land, to the extent that any proposals are financially viable. However, efficient use of land from a financial perspective does not always enable the delivery of sustainable waste collection services, which the Wiltshire Core Strategy requires.
25. Changes to the draft waste guidance SPD have been made where possible to minimise the impact on availability of space but the Council has duties to fulfil as waste collection authority and as an employer. The changes made are not to the extent that those who responded to the consultation would wish for, given the concern that the space required for waste services may restrict the use of land at a site. However, the number of applications received that broadly comply with the guidance suggest that it is feasible to meet the Council's requirements. Informal feedback also demonstrates that some developers have found the document helpful so that they can design our requirements in to their plans from the outset of an application.
26. The draft waste guidance SPD is a key component in the Council's discharge of its health and safety duties. Where appropriate safeguards for health and safety risks are not put in place at the outset of the design process, the ability to mitigate and minimise risks once a site is occupied is significantly reduced. Further, the ability to offer efficient collections is reduced, so the costs of the services are higher than would be the case if the guidance was adhered to. Adoption of the document will enable the Council to demonstrate that it has taken steps to manage the discharge of



its duties both as a waste collection authority and as an employer with a duty to protect the health and safety of employees and others affected by its acts or omissions.

27. Should the proposal be accepted and full Council decide to adopt the draft waste guidance SPD, the Council must publish the adopted version on its website along with a statement of consultation. This must be sent to those who made representations during the consultation at the point of the draft waste guidance SPD being adopted.

## **Background**

28. To ensure that new residential housing developments are appropriately designed to accommodate access for essential waste services, in 2011 waste management services produced a draft guidance document (hereafter '2011 waste guidance') which provided developers with technical information about the collection service provided by the Council, as well as outlining the level of Section 106 contributions that would be required per development. The document was developed by selected colleagues in the waste management services and in development control during the 2010/11 financial year. The document was not subject to a formal internal or external consultation.
29. Since the 2011 waste guidance was issued, there have been a number of difficulties in securing compliance with the requirements of the document, as described in paragraphs 30 to 33 below. Mitigation to manage these difficulties is set out in those paragraphs.
30. Internal processes have been changed to ensure that the waste service is always consulted on development proposals. Waste technical officers respond to consultations by setting out the Council's technical requirements and the level of Section 106 contributions required for any applications with 11 or more residential units.
31. Due to the lack of external consultation on the 2011 waste guidance, and the consequent lack of formal policy basis for the request, some developers and agents challenged the validity of Section 106 contribution requests. Since this issue was identified, the Council's introduction of the Community Infrastructure Levy (CIL), the update of the Waste Core Strategy and the adoption of the Wiltshire Planning Obligations SPD developed the policy platform that would support the adoption of the draft waste guidance SPD. Formal adoption of the draft waste guidance SPD has had to follow on from these changes to the way that the Council would seek contributions from developers.
32. Many developers were not aware of the 2011 waste guidance and were designing sites without taking account of the Council's service delivery standards. The waste service now receives and responds to more planning application consultations, as noted in paragraph 30, and in doing so has issued the draft waste guidance SPD as part of each response. This measure has raised awareness among the development community of the Council's requirements, but the formal process was still required.

33. Further experience of responding to planning applications highlighted areas of the 2011 waste guidance where additional technical content was required to align information with national standards. The document was updated prior to the external consultation to take account of changes in service standards or changes in national standards up until the current time. The content is drawn from a range of nationally-recognised sources so the inclusion of this further detail gives greater authority to the Council's position. These sources include:
- *Making Space for Waste: Designing Waste Management in New Developments – A Practical Guide for Developers and Local Authorities*, ADEPT
  - *Manual for Streets*, Department for Transport
  - *Safe waste and recycling collection services*, Health and Safety Executive, 2014
  - *Secured by Design: New Homes 2014*, Secured by Design
  - *The Building Regulations 2000 Approved Document: Drainage and Waste Disposal (Part H) (as amended)*, Office of the Deputy Prime Minister
  - *Waste Management in Buildings – Code of Practice (BS 5906:2005)*, BSI
  - *Waste and Recycling Vehicles in Street Collection*, Health and Safety Executive.

### **Internal consultation**

34. To prepare the draft waste guidance SPD for the external consultation, the document has been through an internal consultation with key departments within the Council – identified by the Spatial Planning Team – who could provide an overview of material planning considerations that may affect or may be affected by the proposals included in the draft waste guidance SPD. The internal consultation process invited comments from the following teams:
- Spatial Planning
  - Development Control Central
  - Development Control North
  - Development Control South
  - Sustainable Transport
  - Urban Design
  - Fleet Services
35. The draft document was updated to accommodate comments from these teams and to include example sketches to demonstrate how the technical information provided could be translated into designs.
36. A key point considered in the internal consultation is how the amount of space required for turning room for vehicles or the limitations on carry distances for crews and residents impact on the amount of space available for houses, as was raised subsequently in the external consultation as referenced in paragraph 14. This issue was discussed with the urban

design team and they supported the waste management service's view. In further development of the waste guidance document, the technical access requirements have been maintained because they are not out-of-step with the Council's design principles.

37. The consultation on the draft SPD was authorised by the following Cabinet member decision in May 2016: SDSPW-02-16 - Wiltshire Council Waste Services: Process for Adoption of the Draft Supplementary Planning Document 'Waste Storage and Collection: Guidance for Developers'.

### **Overview and Scrutiny Engagement**

38. This report has not been considered by Environment Select Committee as it has not been identified as a priority issue for the committee.

### **Safeguarding Implications**

39. The proposed decision does not have direct safeguarding implications. However, the draft waste guidance SPD aims to make services more accessible and aims to reduce the likelihood of waste being poorly managed by households. For example, suitable space for waste storage should allow for waste to be properly contained in order to reduce the potential for odours and for unsightly accumulations of bagged waste or litter. There is the indirect benefit that children who live in new developments built in accordance with the technical guidance set out in the draft waste guidance SPD would be more likely to live in homes where waste is effectively managed, which would reduce the impact on quality of life and would contribute to making a home a sanitary environment in which to live (see the Public Health Implications below also).

### **Public Health Implications**

40. The draft waste guidance SPD aims to ensure that an efficient and sustainable waste collection service can be delivered at all new developments. Where waste is effectively contained, it contributes to creating healthy environments and practices to ensure that communities stay healthy. Suitably contained waste will also ensure that there is not an increased risk of rodent infestation and that infectious diseases are not caused as a result of ineffective waste storage.
41. Where new developments are designed to accommodate access to waste and recycling collection services in accordance with the guidance in the draft waste guidance SPD, residents will be more likely to use recycling services because they are easier to use (the Council's experience at sites where such access to services is hampered suggests that participation in recycling services suffers). This will contribute to healthy environments because reliance on the forms of waste management which have the greatest environmental impact will be reduced.
42. The guidance provided in the draft waste guidance SPD requires collection points for waste containers to be located off the public highway/footway, which will help to prevent accidents related to trips, slips

and falls or vehicles coming into contact with waste containers. Further, the general safety standards promoted by the draft waste guidance SPD will reduce the potential for accidents caused by operating waste collections in new developments.

### **Procurement Implications**

43. None

### **Equalities Impact of the Proposal**

44. The proposal does not discriminate in the way the Council delivers services to the public. Anyone who moves into a home on a new development should have access to the same level of service as their neighbours. Not all properties that are already built and occupied will have services that are as accessible as those delivered at new developments (hence the need for this proposal) simply due to the layout generating practical barriers to operating to the standards set out in the draft waste guidance SPD, such as in narrow roads in historic town centres or in more recent developments where suitable access to vehicles or storage space for containers was not provided. The Council's policies set out a consistent way to manage such exceptions related to the layout of properties. They also define a consistent way of managing other exceptions to the standard provision of services such as the assisted collection policy which helps those residents who are physically unable to place their containers at a collection point. These policies ensure that services are delivered in a non-discriminatory way and the proposal does not affect how these policies continue to be delivered.

### **Environmental and Climate Change Considerations**

45. The proposal will lead to energy consumption remaining roughly at current levels, as collection vehicles still need to access all properties to carry out waste collections. As the total number of properties that require collections increase, emissions will increase, but this is not related specifically to the proposal. If the proposal was not accepted, the requirement to collect from these additional properties would still remain. However, if accessibility for the Council's standard fleet is improved where developments are designed and built in accordance with the guidance in the draft waste guidance SPD, the Council should avoid situations where the majority of a new development is serviced by a standard vehicle but (for example) a long cul-de-sac has to be accessed by a separate smaller vehicle. In this example, the smaller vehicle would be operating inefficiently and travelling long distances to empty small numbers of containers. If the standard vehicle could safely access the cul-de-sac, the emissions generated by the smaller vehicle would be avoided leading to decreased energy consumption.
46. In broad terms, there are no measures to reduce the carbon emissions associated with the proposal, as the configuration of the Council's fleet will not change immediately. The draft waste guidance SPD simply intends to improve accessibility for the Council's fleet. In this regard, collection

rounds ought to become more efficient as one vehicle per commodity would access a development, as noted above. There are no environmental risks specifically related to the proposal but instead the proposal aims to mitigate risks that are currently faced by the waste collection service, such as the increased likelihood of operating inefficiently where the standard fleet cannot access all parts of a development.

### **Risk Assessment**

47. Adoption of the draft waste guidance SPD poses limited risks because there is a policy justification for the Council's approach to requesting Section 106 contributions and the purpose of the document has been clarified to demonstrate that the Council's intention is to help developers make successful applications. This does not remove the risk of challenge, though, as some developers believe that the document affects the viability of schemes that they propose. The fact that other developers have welcomed the document and have designed their sites in accordance with the guidance suggests that negative view of the document is not widespread.

### **Risks that may arise if the proposed decision and related work is not taken**

48. The following risks may arise if the proposed decision is not taken:
- (i) The Council is likely to have to operate inefficient collection services at new developments if they are not designed and built in accordance with the draft waste guidance SPD
  - (ii) Despite the provision in policy WCS6 and the Planning Obligations SPD for requesting Section 106 contributions, developers may challenge requests for Section 106 contributions as there is no document that defines the level of contributions sought.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

49. Developers may seek to challenge the decision to adopt the SPD. This risk can be mitigated by clearly setting out what consideration was given to consultation feedback and how it has been taken into account in the further development of the document. Appendix 2 demonstrates the consideration given, while the draft statement of consultation will formally set out the Council's position.

### **Financial Implications**

50. The proposal has positive financial implications. The adoption of the draft waste guidance SPD will create the finalised policy justification for requesting Section 106 contributions from developers. For each development of 11 or more residential units, the Council will request contributions of £91 per property towards the cost of providing waste containers (except for flats which share communal containers, where the contributions are commensurate to the number of communal containers supplied).

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51. Another benefit is that the Council would be able to operate efficiently at developments designed in accordance with the draft waste guidance SPD. When viewed in the context of all new developments across the county, the need to use smaller vehicles to operate inefficient rounds that require high mileage to service relatively few properties would be reduced. While the waste service will need to be adequately resourced to deal with property growth, the ability to operate efficiently will reduce the resource levels required to manage this property growth.

### **Legal Implications**

52. The Council must comply with the provisions set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 when following the process of adoption of a Supplementary Planning Document. The Council's Statement of Community Involvement (SCI) sets out the steps that the Council will follow in relation to consultation requirements set out in the regulations. The consultation was carried out in accordance with the SCI, targeted at the intended audience of developers and agents, but open to the public, as described in paragraph 12 above. The minimum period of four weeks was allowed for the consultation, which complies with the requirements of the SCI.
53. Appendix 3 sets out how the consultation responses have been considered and subsequently reflected in further development of the draft SPD. Appendix 3 aims to demonstrate that the Council has conscientiously taken representations into account, although this feedback has been balanced against other concerns, such as the Council's duties.
54. Should Cabinet agree to the proposal, the function of adopting the document would be exercised by full Council in accordance with the Council's constitution. As noted in paragraph 27, the Council is required to publish the document once adopted, to publish a statement of consultation and to advise those who made representations that the statement of consultation is published.

### **Options Considered**

55. The option to not put the SPD forward for consultation, which would result in the SPD not being adopted, has been considered through the process of developing the SPD. This option has been discounted because it would not solve the problems encountered in trying to deliver sustainable waste services at new developments.

### **Conclusions**

56. Adoption of the draft waste guidance SPD will formalise the information that waste management services has been providing to developers for some time. It will benefit the Council's residents by facilitating sustainable service delivery and reducing the risk of waste management arrangements detracting from the amenity of a development. The proposal would also allow the Council to recover the costs of supplying containers to new properties through Section

- 106 contributions. These benefits help to ensure that the service can be delivered efficiently in future.
57. The draft waste guidance SPD has been revised in places to accommodate developers' comments with a general statement included to allow for some flexibility when Council officers review plans. The consultation feedback has been considered and, where possible, led to changes in the drafting of the guidance but the Council has to protect its position in order to discharge its duties as a waste collection authority and its duties in respect of health and safety.

**Tracy Carter (Associate Director, Waste and Environment)**

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Date of report: **15 November 2016**

**Appendices**

Appendix 1 – Waste storage and collection: guidance for developers (draft SPD) (version issued for external consultation)

Appendix 2 – Waste storage and collection: guidance for developers (draft SPD) (revised version post consultation)

Appendix 3 – Summary of consultation feedback and how the draft SPD has been changed to account for it

**Background Papers**

None