

Waste Regulations Training

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Peak District National Park Authority
Planning policy & procedures

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Waste – What is it:

Waste is any material or object that is no longer wanted and requires disposal. If a material or object is re-usable, it is still classed as waste if it has first been discarded (Planning Portal)

Encyclopaedia of Planning Law gives this definition of waste for planning purposes:

“any material which the producer or person in possession of it discards or intends or is required to discard”.

The European Directive 2008/98/EC on Waste:

“any substance or object which the holder discards or intends or is required to discard”.

Town and Country Planning Act 1990

Section 55

“development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the avoidance of doubt it is hereby declared that for the purposes of this section—

- (a)..
- (b) the deposit of refuse or waste materials on land involves a material change in its use, notwithstanding that the land is comprised in a site already used for that purpose, if—
 - (i) the superficial area of the deposit is extended, or
 - (ii) the height of the deposit is extended and exceeds the level of the land adjoining the site.

General Permitted Development Order 2015

PART 6 Agricultural and forestry

Class A – agricultural development on units of 5 hectares or more

Permitted development

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

- (a) works for the erection, extension or alteration of a building; or***
- (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.***

Development not permitted

A.1 Development is not permitted by Class A if (amongst other things...)

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

A.2—(1) Development is permitted by Class A subject to the following conditions—

(c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

Fact and degree...?

Primary purpose or motive for works..?



- (2) Subject to sub-paragraph (3), development consisting of—
- (a) the erection, extension or alteration of a building;
 - (b) the formation or alteration of a private way;
 - (c) *the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or*
 - (d) the placing or assembly of a tank in any waters, is permitted by Class A subject to the following conditions—
 - *(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required....*



Department for
Communities and
Local Government

National Planning Policy for Waste (Oct 2014)

Document sets out detailed waste planning policies.
The Waste Management Plan for England sets out the
Government's ambition to work towards a more sustainable
and efficient approach to resource use and management.

Focus is on waste management development



Core Strategy Policy CC4: On-farm anaerobic digestion of agricultural manure and slurry

Proposals for the management of agricultural manure and slurry generated within the National Park must follow the following principles:

- A. Applications for single on-farm anaerobic digester units, and any associated development for management of waste or renewable energy generation, must only use agricultural manure and slurry arising on the planning unit and crops grown for the purpose on the unit.
- B. Centralised on-farm anaerobic digestion facilities will only be permitted where they:
 - I. serve a number of farms mainly within the National Park in close proximity to each other; and
 - II. deal only with agricultural manure and slurry arising on the farms involved and crops grown for the purpose on those farms; and
 - III. are justified by a comparative analysis of alternative single on-farm proposals in terms of economic and functional viability, taking into consideration effects on the environment.

Agricultural development in the National Park

If in doubt, ask..

- Reuse of material arising on the farm, for land improvement is likely to be permitted development
- Importation of material may not unless it is for agricultural improvement or a specific purpose – paper pulp, sewage sludge, hardcore for hardstanding
- Repeated importation may not be agriculturally beneficial, may be considered waste disposal or land-raising
- Planning applications for building - consider where excavation waste will go



