

Appendix 3

Assessment of consistency of 'saved' Waste Local Plan policies (2006) with the National Planning Policy Framework (2012)

To determine which of the Waste Local Plan policies can continue to be used in the consideration of planning applications, an assessment of these policies against the NPPF has been undertaken. The Local Plan policies have been placed in one of the following categories as a result of this assessment:

- **Fully consistent with the NPPF** – policies in this category either replicate the NPPF, add to the NPPF (whilst remaining consistent with the thrust of the document), or provide less detail/caveats than the NPPF (whilst not contradicting it). These Local Plan policies can continue to be applied alongside the NPPF.
- **Consistent, in part, with the NPPF** – a number of the 'saved' Local Plan policies contain a significant level of detail. Parts of these policies are consistent with the NPPF, whilst certain parts are not. These policies need to be applied by judging the weight that can be applied to them, alongside the NPPF, in the specific circumstances of each individual application.
- **Inconsistent with the NPPF** – policies that take a different direction and view on matters to the content of the NPPF. These policies should no longer be applied.
- **Not covered by the NPPF** - This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. A number of policies therefore are not covered by it.

Policy Number	Policy Title	Consistency with NPPF
WLP1	The Plan's Strategy	Parts a) to e) are not covered by the NPPF. Part f) is partially consistent with the NPPF: Paragraphs 117 and 118 support the policy's level of protection for protected environments, however paragraph 118 allows for adverse effects on the special features of SSSIs where the benefits of the development clearly outweigh the impacts. Paragraphs 132 and 133 further allow for substantial harm to or total loss of the significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 requires any harm to a heritage asset this harm to be weighed against the public benefits of the proposal, including securing its optimum viable use.
WLP2	Transport Strategy	Fully consistent with the NPPF paragraph 30.
WLP3	Areas of Outstanding Natural Beauty	Fully consistent with the NPPF paragraph 116.
WLP4	Road to Rail or Water Transfer	Fully consistent with the NPPF paragraph 30.
WLP5	Safeguarding Sites	Not covered by the NPPF.
WLP6	Expansions or Alterations to Existing Facilities	Not covered by the NPPF.
WLP7	Site Specific Allocation for Road to Rail Transfer Facilities	Site specific policy not covered by the NPPF but principle of location is consistent.
WLP8	Site Specific Allocations for Materials Recovery	Site specific policy not covered by the NPPF but principle of location is consistent.

Policy Number	Policy Title	Consistency with NPPF
	Faculties / Waste Transfer Stations	
WLP9	Site Specific Allocation for Energy from Waste and Material Recovery Facilities	Site specific policy not covered by the NPPF but principle of location is consistent.
WLP10	Site Specific Allocations for Waste Disposal to Land	Not covered by the NPPF.
WLP11	Reduction, Reuse and Recycling during Demolition and Design, and Construction of New Developments	Not covered by the NPPF.
WLP12	Recycling as Part of Major Development	Not covered by the NPPF
WLP13	Recycling, Transfer and Materials Recovery Facilities	Partially complies. Policy restricts development to brownfield sites whereas NPPF is more flexible as it only 'encourages' the reuse of brownfield land. (Para. 111).
WLP14	Recycling and Recovery Facilities for Construction and Demolition Waste	Partially complies. Policy restricts development to brownfield sites whereas NPPF is more flexible as it only 'encourages' the reuse of brownfield land. (Para. 111).
WLP15	Small Scale Recycling Collection Facilities	Not covered by the NPPF

Policy Number	Policy Title	Consistency with NPPF
WLP16	New Household Waste Sites	Partially complies. Policy restricts development to brownfield sites whereas NPPF is more flexible as it only 'encourages' the reuse of brownfield land. (Para. 111).
WLP17	Reprocessing Industries	Not covered by the NPPF
WLP18	Composting Facilities	Fully consistent with the NPPF as the policy allows for development in rural areas.
WLP19	Energy from Waste Facilities	Partially complies. Policy restricts development to brownfield sites whereas NPPF is more flexible as it only 'encourages' the reuse of brownfield land. (Para. 111).
WLP20	Landfilling – Non-Inert Waste	Not covered by the NPPF
WLP21	Landraising – Non-Inert Waste	Not covered by the NPPF
WLP22	Landfill Gas	Not covered by the NPPF
WLP23	Landfilling – Inert Waste	Not covered by the NPPF
WLP24	Landraising/Improvement with Inert Waste	Not covered by the NPPF
WLP25	Landfill Mining	Not covered by the NPPF
WLP26	Mineral Waste	Not covered by the NPPF
WLP27	Special and Difficult Wastes	Not covered by the NPPF
WLP28	On Site Clinical Waste Facilities	Not covered by the NPPF
WLP29	Independent Clinical Waste Facilities	Not covered by the NPPF
WLP30	Wastewater and Sewage Sludge	Not covered by the NPPF

Policy Number	Policy Title	Consistency with NPPF
WLP30a	Wastewater and Sewage Sludge (Brighton & Hove / Peacehaven Catchment)	Not covered by the NPPF
WLP31	Disposal of Liquid Waste and Dredgings on Land for its Improvement	Not covered by the NPPF
WLP32	Liquid Waste Facilities	Not covered by the NPPF
WLP33	Agricultural and Stable Waste	Part a) complies with NPPF guidance on design. Parts b) and c) are not covered.
WLP34	Animal Carcass Waste	Not covered by the NPPF
WLP35	General Amenity Considerations	Parts a) to d) are fully consistent with the NPPF. Part e) is partially consistent with the NPPF: Paragraphs 117 and 118 support the policy's level of protection for protected environments, however paragraph 118 allows for adverse effects on the special features of SSSIs where the benefits of the development clearly outweigh the impacts. Paragraphs 132 and 133 further allow for substantial harm to or total loss of the significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 requires any harm to a heritage asset this harm to be weighed against the public benefits of the proposal, including securing its optimum viable use.
WLP36	Transport	Fully consistent with the NPPF para. 35

Policy Number	Policy Title	Consistency with NPPF
	Considerations	
WLP37	Flood Defences, Flood Plains and Surface Water Runoff	Fully consistent with the NPPF para. 103
WLP38	Surface and Groundwater	Not covered in the NPPF except in the context of mineral development.
WLP39	Design Considerations	The policy does not contradict the NPPF but Part 7 of the NPPF goes further than the existing policy by providing extensive guidance on what constitutes good design.
WLP40	Environmental Improvements and Other Benefits	Not covered by the NPPF