

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier:	LUPS-GU5
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	Originator:	Jim Mackay
	Authorised by:	Alan Farquhar

## 1 Purpose and Scope

- 1.1 The purpose of this note is to provide guidance on SEPA's planning role in relation to waste management and development plans. It provides advice to all stakeholders on the issues which we wish to see addressed regarding the [Zero Waste Plan](#) (ZWP) within the development plan process. It complements LUPS-GU6 which provides guidance on our planning role in relation to waste management and development management.
- 1.2 There is a pressing need for waste management to become more sustainable through the adoption of a "zero waste" philosophy. [Annex B](#) of the Scottish Government's Zero Waste Plan 2010 sets out the role of land use planning in achieving this change, and identifies our role in taking this forward. It is important that through the planning consultation process we provide positive planning guidance and advice to support these new methods of sustainable waste management, and to help deliver the new waste management infrastructure that is required to facilitate this move towards zero waste.

## 2 National policy framework

- 2.1 Article 4 of the revised [EU Waste Framework Directive \(Directive 2008/98/EC\)](#) identifies the waste hierarchy and states that it applies "as a *priority order in waste prevention and management legislation*". The ZWP states in relation to the waste hierarchy as set out in the Directive that: "*The hierarchy identifies the prevention of waste as the highest priority, followed by reuse, recycling, recovery of other value (e.g., energy), with disposal as the least desirable option.*"
- 2.2 The ZWP states that "*The waste hierarchy will guide our overall approach to managing Scotland's waste.*" Development plans should refer to the waste hierarchy as the move towards sustainable waste management means that more facilities will be required to sort, reduce, recycle, process and recover energy from waste as we move away from our reliance on landfill. Provision of the required waste infrastructure is a recognised Government priority in the second [National Planning Framework](#) (NPF2).
- 2.3 The Waste Framework Directive requires Member States to have a national waste management plan. The ZWP adopted by the Scottish Government replaces the National Waste Plan (NWP) 2003. The ZWP states: "*For planning purposes the ZWP will constitute the National Waste Management Plan along with the following:*
- *The National Planning Framework*
  - *Scottish Planning Policy*
  - *Planning Advice Note 63 (including revisions versions)*
  - *SEPA waste data source: including Waste Data Digests, Local Waste Management Reports, Site Capacity and Infrastructure Reports and Maps*
  - *SEPA Thermal Treatment of Waste Guidelines 2009.*"

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- 2.4 The ZWP sets out targets and measures which include:
- 70% of all Scotland's waste to be recycled;
  - A maximum of 5% of all Scotland's waste to be landfilled;
  - Mandatory source segregation of key recyclables;
  - Material based landfill bans;
  - Property based landfill bans (biodegradability);
  - Introduction of restrictions on inputs to energy from waste facilities.
- 2.5 The planning system is crucial to delivery of the ZWP as all new waste management facilities will require planning consent and waste minimisation and management is required to be addressed in the design of all new development. Annex B of the ZWP provides detail regarding the role of land use planning to deliver the zero waste objectives.
- 2.6 In addition to the requirements from the Waste Framework Directive, the [Climate Change \(Scotland\) Act 2009](#) has made the links between waste and climate change more explicit. Our [Position Statement on Planning, Energy and Climate Change 2009](#) creates a clear link between our waste role and climate change mitigation. This link will be further refined in our forthcoming Planning Guidance on Climate Change and Energy.
- 2.7 Provision of waste management infrastructure is a recognised Government priority in the second National Planning Framework which states (paragraph 168), *"The planning system has a crucial role to play in ensuring that installations are delivered in time to allow waste management targets to be met."* In addition to this, paragraph 168 also highlights the Government's focus on a low carbon economy and sets out a role for planning authorities in support of this: *"relationships between waste, heat and other forms of energy must be fully considered by planning authorities at an early stage in the preparation of development plans."*
- 2.8 [The Town and Country Planning \(Development Planning\) \(Scotland\) Regulations 2008](#) state that Planning Authorities must have regard to the National Waste Management Plan when drawing up Strategic Development Plans and Local Development Plans. [Planning circular 1/2009](#) Development Planning provides further guidance on the scope and procedures of Strategic and Local Development Plans, including how waste should be addressed. The ZWP Annex B provides detail regarding the role of land use planning to deliver the ZWP. Both [Scottish Planning Policy](#) (SPP) and the ZWP require the planning system to provide policies and identify appropriate locations for waste management facilities.
- 2.9 SPP and the ZWP emphasise the importance of the planning system in delivering waste infrastructure. SPP sets out the role of development plans in planning for waste management facilities and provides guidance on waste

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management matters to be considered in the development plan process as follows (paragraph 220):

*“With operational control regulated by SEPA, development plans and consideration of applications for planning permission relating to waste management facilities should:*

- *Focus on whether the development is acceptable rather than on control of the processes or waste streams involved,*
- *Consider only the aspects of operation enforceable under planning control to minimise impacts on the environment, transport network and local communities, and*
- *Secure decommissioning or restoration to agreed standards.*

*Operational impact and transport are important considerations when considering proposals for new waste management facilities. Depending on the facility, noise, effect on water resources, landscape and visual impact and impact on the natural and historic environment may also be relevant considerations.”*

### **3 Our role**

- 3.1 Under the modernised planning system, we are a key agency in the preparation of development plans. We are a statutory consultee for planning applications in accordance with Schedule 5, section 1 (g) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, where the proposed development *“consists of or includes the use of land for the deposit of any kind of refuse or waste, including slurry or sludge.”*
- 3.2 SEPA has a clear role to support planning authorities in the preparation of their development plans, enabling waste to be considered in relevant policy and in the Proposals Map and in ensuring that the development plan takes account of national planning policy, ZWP, SEPA’s [Thermal Treatment of Waste Guidelines 2009](#) and our Position Statement on Planning, Energy and Climate Change all of which are “material considerations”.
- 3.3 Our Position Statement on Planning, Energy and Climate Change recognises the link between our waste planning role and mitigation of climate change. In particular it recognises the need to achieve high energy efficiencies through heat recovery from energy from waste infrastructure in accordance with our Thermal Treatment of Waste Guidelines 2009 and the Scottish Government’s Renewable Heat, Renewable Energy and Energy Efficiency Action Plans. Paragraph 168 specifically requires that *“Provision for the additional waste management capacity required at city-region level must be made in strategic development plans.”*
- 3.4 Annex B of the ZWP states that *“SEPA has a duty to co-operate in the preparation of development plans, and hence the early engagement of SEPA is essential to enable waste management to be integral to the plan. Through*

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*this process of engagement, SEPA will ensure the development plan contributes towards the delivery of the required national waste management infrastructure and the objectives of the Zero Waste Plan....” We will provide independent advice and assessment on whether the proposed development plan will help deliver the zero waste plan objectives.*

3.5 **Our planning responses should include a statement that we expect all waste management facilities to contribute towards the delivery of the ZWP.** We can respond to consultations with suggested issues for inclusion, recommend changes to proposed policies or, where no agreement can be reached following earlier contribution and discussion, formally object to the Development Plan. Any response we make must be clear and concise, and we must ensure before lodging a concern or objection that it is reasonable and that we can sustain it on planning grounds.

3.6 Further information relating to our engagement with the development plan process is contained in [LUPS GU11](#) *Guidance on SEPA engagement with the development plan process.*

#### **4 Responding to development plan consultations in relation to zero waste**

4.1 In the first instance, we should respond to development plan consultations as guided by LUPS GU11 *Guidance on SEPA engagement with the development plan process.*

4.2 SPP requires (paragraph 215) that “*all development plans must identify appropriate locations for waste management facilities, where possible allocating specific sites and providing a policy framework which facilitates the development of these facilities*”. Development plans must support the second National Planning Framework, ZWP, and Climate Change related Action Plans, and enable the prevention, recycling and recovery of all types of waste.

4.3 When engaging in the development plan process and framing our response to the Planning Authority we should consider the following issues:

- Waste hierarchy;
- Requirement for identification of waste management sites (new and existing);
- Landfill;
- Thermal treatment of waste;
- Minerals and extractive waste;
- Waste as part of all developments; and
- Links to other development plan topics.

4.4 These issues are set out in more detail in Sections 5 to 14 below. If these issues are satisfactorily addressed then we can offer support for the plan in

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terms of ZWP issues. However, if these issues are not satisfactorily addressed, demonstrating that the proposals will be in conflict with ZWP objectives, and no further information or amendment is forthcoming following a request by us to meet ZWP objectives, then we will object to the plan. Where possible, we should always inform the planning authority of what is required in order to address the reasons for objection.

## 5. Commenting on key issues / policy framework

- 5.1 Waste management (which covers waste prevention, sustainability and recycling issues as well as support for new infrastructure) is a key development plan issue. The central issue to consider is if the proposed development plan provides the context to support delivery of the ZWP objectives. SPP requires (paragraph 215) “*all development plans to identify appropriate locations for required waste management facilities*”, and as such we should expect to see locations identified at the very least, together with specific site allocations - unless the development plan can provide evidence to support that it is impossible to do so. SPP requires (paragraph 213) that local responsibility is taken for the treatment and disposal of waste, and states that “*planning for waste management infrastructure to meet all waste needs within each local authority area is a key part of fulfilling this responsibility.*” Paragraph 213 recognises that authorities may wish to work in partnership across local authority boundaries to achieve this by stating that “*An authority may also fulfil this responsibility by working with other authorities to develop shared strategic waste infrastructure.*”
- 5.2 The ZWP Annex B (paragraph 4.3) sets out the key issues to be considered by planning authorities when planning for waste as follows “*need and proximity for waste management facilities should be considered strategically as the achievement of a sustainable strategy may involve waste crossing planning boundaries within Scotland*” and that dependent on transport infrastructure provision, and economies of scale to achieve cost effectiveness, waste will cross planning boundaries within Scotland.
- 5.3 The Scottish Government considers that an integrated and adequate network of waste recovery and disposal installations will be met when there is enough waste infrastructure to deal with all waste arising annually in Scotland. Each planning authority should consider the role they play in delivering additional capacity and plan for waste management facilities in their development plans accordingly. As a guide, The Scottish Government considers that there will be a need for new waste management facilities until there is a national annual capacity available to meet the targets set out in the ZWP. An estimation of national need, disaggregated into regional need for planning purposes based on 2008 baseline data, is given in Table 1 of Annex B of the ZWP. This table will be updated annually by SEPA.
- 5.4 SPP (paragraph 215) states that “*All development plans must identify appropriate locations for required waste management facilities.*” This includes facilities required for commercial and industrial waste, construction and demolition waste, and for municipal waste, including community composting, recycling centres, and bring facilities. Annex B (paragraph 4.4) requires local

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authorities “to plan proactively to provide facilities to deal with waste produced within development plan areas”. Development plans should plan for waste management facilities positively and have regard to their role in delivering the national capacity requirements as set out in ZWP Annex B.

- 5.5 Strategic Development Plans (covering the four main city regions) should provide the approach that will be taken to inform decisions about strategic waste management facilities and management of waste within the spatial strategy area. Annex B (paragraph 5.4) states that “A *strategic development plan (SDP) should reflect that requirement where all authorities work together to develop an integrated and adequate network of waste recovery and disposal installations, for all wastes...*” The spatial strategy should identify the headline waste management changes that the plan seeks to achieve up to year 12 from plan approval, and a broad indication of scale and direction of growth up to year 20. Strategic waste management facilities which are required to manage *all* waste types and help achieve the Government’s waste targets should be set out in this Strategic Development Plan. We will therefore seek Strategic Development Plans to identify waste as a “Strategic Issue” and contain a policy framework for waste facilities.
- 5.6 Local Development Plans should contain the approach the local authority wishes to take on managing **all** waste, and more detailed waste policies to allow for development of waste infrastructure. The Local Development Plan should also identify locations for existing and new waste management facilities. Where the policy principles are already secured within the Strategic Development Plan they do not need to be repeated within the Local Development Plan but instead cross referred to.
- 5.7 Local Development Plans should provide planning information on where waste facilities are considered to be most appropriate – through identification on proposals maps and through policy. They should also provide the policy framework for the preferred means of managing all waste, delivering waste management as part of all developments, and the types of waste management facilities supported. In addition to this, Annex B (paragraph 5.6) states that “*Development plans must safeguard all active and consented waste management facilities.*”
- 5.8 **We will not support development plans which contain criteria based policies as the sole approach towards planning for waste.** This is because these do not provide a positive or supportive policy framework to allow the delivery of the waste management infrastructure that is required in order to deliver the national and regional capacity requirements that will deliver the ZWP objectives, as identified in the ZWP annex B. **We will support policy frameworks which set out acceptable locations (supported by allocations/identifications on the proposals map)** and go on to specify related issues. We therefore recommend that all development plans should provide a policy framework and land allocations which:
- Support the ZWP
  - Support the development of new waste management facilities

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- Safeguard existing waste handling installations/waste management sites
- Set out clear locations appropriate for waste management facilities
- Support the provision of infrastructure facilities for the management of all types of waste
- Support the inclusion of waste prevention and management as part of all new development.
- Support the use of site waste management plans as a means to reduce construction and demolition waste.

## 6. Commenting on the waste hierarchy

- 6.1 Every reasonable effort should be made to ensure that waste is diverted from landfill and is treated as high up the waste hierarchy as possible in order to maintain a sustainable waste management approach for all waste generated by the local authority. Annex B (paragraph 2.3) states that:

*“The waste hierarchy is the bedrock of waste management policy and is reflected in SPP. Planning decision-making should, for all new developments, not just waste facilities, recognise the hierarchy’s preference for prevention, reduction, reuse, recycling and energy recovery over waste disposal.”*

- 6.2 Development Plans should, in line with SPP, support the delivery of the Zero Waste Plan and the waste hierarchy and the move away from dependency on landfill as a method of waste disposal and instead move towards sustainable waste management and the recovery of value and resources from waste. These policies must apply to all waste types in order to facilitate the development to address all waste arisings.
- 6.3 **We will support development plans which consider the different types of waste facility that would be required for an integrated waste management system and to divert waste from landfill.**

## 7. Requirement for identifying waste management sites

- 7.1 Every effort should be made to ensure that proposed waste management facilities for all wastes integrate with neighbouring authority approaches. If waste is to be managed outwith the development plan boundary as part of a shared waste infrastructure facility, the development plan should confirm where and how waste will be managed. Information on waste movements is contained in the SEPA Waste Management Reports.
- 7.2 Both SPP (paragraph 215) and ZWP (Annex B) require that development plans should identify and allow for a range and choice of sites where waste management facilities can appropriately be located. Annex B of the ZWP requires (paragraph 4.3) that in preparing local and strategic development plans, *“planning authorities should set out a locational or spatial strategy*

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*which includes waste management development. For all wastes arising in Scotland, this can be achieved by either allocating specific sites for waste management facilities, and/or indicating clearly and positively that land designated for employment, industrial or storage and distribution uses is appropriate for many waste management installations (subject to site specific considerations)."*

7.4 We will help the development plan authority assess waste management facility requirements by:

- **Providing information on existing waste facilities** – we hold information on our National Capacity Database relating to licensed/permitted facilities, and Waste Infrastructure maps showing where these facilities are located.
- **Providing an independent assessment of whether or not the proposals will discharge the development plan authority's duties on planning for waste** and advising whether or not the development plan allocations/site identification/policies provide the necessary planning framework to allow development to take place.
- **Providing a local authority specific Waste Management Report** to help the authority assess the waste arisings and facility requirements in their areas.

7.5 It is important to ensure that the right types of waste management facilities are provided in order to deliver the national capacity required (Table 1, Annex B, ZWP), but equally important to ensure that they are located in the right places. Development plan authorities are required to identify the sites in order to comply with SPP and ZWP. The policy framework should enable sites to be developed, whether this is through supporting the allocation of waste specific sites, or through ensuring waste management facilities will be supported on industrial/employment allocated sites.

## 8. Site identification - existing sites

8.1 We recommend that development plans provide adequate space surrounding existing waste facilities to allow for them to grow in the future without being prejudiced or restricted by adjoining land uses. Care should be taken to ensure that allocations on adjacent sites do not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings. **We will support this approach in development plans as often it is a more sustainable approach to expand existing waste facilities in order to incorporate other technologies / approaches or to co-locate with other facilities rather than creating new sites.** We should advise that opportunities for use of waste heat from existing or expansion of existing sites should also be considered in site identification. This issue is covered in further detail in *Section 11 - thermal treatment of waste* below.

8.2 **Strategic Development Plans** should identify existing strategic waste management facilities in the area, and the need for any new or additional



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strategic waste management facilities. The Strategic Development Plan, where it exists, should indicate types of waste management facility considered appropriate in order to give full guidance for Local Development Plans (and members of the public and other stakeholders) as to the preferred approach for the sustainable management of waste, and also to help deliver the national waste capacity requirement.

- 8.3 **Local Development Plans** should identify the existing waste management sites in the development plan area; the additional waste management facilities required to manage all waste types in the development plan area; and identify appropriate locations for the required facilities.

## 9. Site identification - new sites

- 9.1 The preferred approach set out in SPP (paragraph 215) is for development plans to specifically identify sites for waste management facilities/general waste use. Modern waste management infrastructure is designed and regulated to high standards and is similar to other industrial processes. Subject to detailed site specific considerations, waste management facilities can be considered appropriate land uses within industrial and employment sites; this position is consistent with SPP (paragraph 216) and ZWP Annex B (paragraph 5.6). ZWP Annex B paragraph 2.2 states that “*LDPs should identify a plentiful supply of employment and industrial land as a network of sites suitable for waste management uses, consistent with SPP, to ensure private sector competition, as not all industrial sites will be developed for waste management uses.*” This is to make sure that there is no constraint to developing waste facilities, and allows for alternative options to be brought forward if a preferred site is developed for a non-waste site, or is unable to gain consent, or is developed for other uses. This will also allow for commercial competition and not restrict waste to single sites.
- 9.2 Land should be safeguarded, through policy text and identification on the proposals map.
- 9.3 The ZWP Annex B (paragraph 5.9 (1)) sets out that, subject to consideration of other planning policy issues and relevant assessments, the following locations can be considered appropriate for waste management facilities;
- Industrial areas
  - Degraded, contaminated or derelict land
  - Working and worked out quarries
  - Sites that have the potential to maximise the potential for the re-use of waste heat through co-location with potential heat users
  - Existing or redundant sites or buildings that can be easily adapted
  - Existing waste management sites, or sites that were previously occupied by waste management facilities

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- Sites located close to railways, major water transport or major road network junctions.
- 9.4 We will support this position and also advise planning authorities that other suitable sites for construction and demolition waste could include existing minerals workings or industrial sites, and that opportunities may also exist to recycle construction and demolition waste either close to where it arises with mobile crushing plant on site or at a permanent processing site.
- 9.5 Further advice and information relating to site identification and site assessment is contained within paragraphs 21 and 22 of [PAN63](#) and should be translated into local development plan policy. This PAN will be updated in 2011.
- 9.6 We can provide advice on the types of sites or criteria a council can use to identify sites for allocation. We will support preferred options or proposals that:
- Utilise sites within or immediately adjacent to existing waste management facilities, within general industrial areas, or on brownfield or land previously subject to contaminative uses;
  - Help implement, and are in accordance with, sustainable waste management objectives contained with the ZWP and the second National Planning Framework (particularly where strategic sites have been identified to meet objectives within the second National Planning Framework);
  - Minimise where possible the unnecessary transportation of waste by road; sites could also utilise rail and water access;
  - Contribute towards national climate change targets for heat through co-location of potential heat users to ensure maximum efficiency of thermal treatment plants (in accordance with the Thermal Treatment of Waste Guidelines 2009);
  - Maximise energy efficiency, use of heat and power; and
  - Have adequately considered impacts on existing environmental and residential amenity. This assessment can be carried out through the Strategic Environmental Assessment process.
- 9.7 Where a Development Plan does not identify existing and proposed sites for waste management facilities, or provide clear direction as to suitable areas (e.g. Core Areas) where waste infrastructure should be located, then we should **object**, clearly detailing the reasons for this and the modifications required to remove our objection.

## 10. Landfill

- 10.1 All types of waste management facilities will potentially contribute towards the delivery of the ZWP. Annex B, paragraph 4.11 states that *“Even with high recycling targets, there will be wastes from which no further value can be recovered and which will require to be landfilled”*. The key issue is to integrate

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other waste management methods such as pre-sorting and recycling into landfill facilities or the overall waste management network to ensure that all practicable and reasonable attempts have been made to remove recyclable materials so that only residual waste remains for final disposal to landfill.

- 10.2 Annex B of the ZWP (paragraph 4.11) states that a ten year rolling capacity is required to ensure that there will be sufficient landfill capacity to dispose of this final residual waste, whilst ensuring that other, more sustainable means of waste management are not prejudiced. Table 2 provides information on this national 10 year capacity of landfill for all waste.
- 10.3 In our planning responses we will remind Planning Authorities that where new landfill sites, or extensions to existing landfill sites, are required in order to meet the 10 year landfill capacity, it is their responsibility to ensure that this will not lead to a disproportionate burden of negative environmental impacts on nearby settlements or other sensitive receptors such as the landscape.
- 10.4 The 10 year capacity figure in Table 2 will be updated annually, and will reduce over time to achieve the long term ZWP target of a maximum of 5% of all waste arisings going to landfill. **In our planning responses we will remind Planning Authorities of the information contained in Table 2 which they need to consider in the preparation of waste policies and land allocations.**
- 10.5 Development plans should identify existing landfill sites and areas of search for new sites. Existing landfill sites should be safeguarded in the same way as any existing waste management site. Locations should be identified on the proposals map. Future restoration and the potential uses of the site once waste disposal operations cease should also be considered.
- 10.6 **We are currently developing our position in relation to development on, or in proximity to, operational and closed landfills and this guidance will be updated with relation to this aspect in the near future.**

## 11. Thermal treatment of waste

- 11.1 Our Thermal Treatment of Waste Guidelines (TTWG) are a material consideration for planning applications for proposed waste management facilities that include thermal treatment of waste. The TTWG should be used in formulating responses to any planning applications for thermal treatment facilities. Heat recovery is a key part of decision making when allocating sites for thermal plants and opportunities to site new plant close to existing and potential users of heat and power should be taken when they arise. In preparing development plans planning authorities should consider how best to ensure new development in the vicinity of existing or consented EfW facilities capitalises on the available heat and / or energy.
- 11.2 Heat recovery is a key part of decision making when allocating sites for thermal plants and opportunities to site new plant close to existing and potential users of heat and power should be taken when they arise. Scottish Planning Policy paragraph 219 supports the "Siting of plant close to energy

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grids or users of heat (as) an important factor in determining appropriate locations for installations capable of being run as combined heat and power plants". There are also opportunities for use of waste heat from existing Energy from Waste sites or expansion of existing sites. New allocations in the area may be able to co-locate to use waste heat.

- 11.3 The opportunity to link energy, heat and waste planning should be taken when developing policy as required by the second National Planning Framework. Heat recovery and maximising thermal efficiency is a key part of decision making when allocating sites for thermal plants. Opportunities to site new plant close to existing and potential users of heat and power, including using the recovered energy for cooling, should be taken. Development plans should clearly identify the link between waste and energy policies. Any development plan policy that identifies sites specifically for energy from waste facilities (including combustion of biogas resulting from anaerobic digestion treatment) should also allow for any associated land use required by potential users of renewable heat and energy. **We will support this type of approach through appropriate development plan policies and land allocations.**
- 11.4 The TTWG (and the May 2011 addendum) should be used by planning authorities in developing policies, allocating sites, or assessing development proposals. The guidelines are expected to be updated in 2011 to reflect the provisions in Annex A and C of the ZWP and changes in the PPC regulations which will restrict the types of materials that can be processed in thermal treatment plants. Development plan policies should make reference to this, and we should not support any continued reference to the 25% cap on energy from waste for municipal waste.
- 11.5 The Climate Change (Scotland) Act 2009 introduces new duties for public bodies that will have important implications for waste management planning. In particular Section 44 will place a new duty upon public bodies to exercise their functions in a way best calculated to contribute towards the national climate change targets set out in Part 1 of the Act. This includes a target of 11% of the heat consumed in 2020 to come from renewable sources. The Scottish Government recognises the important role of renewable heat in contributing towards climate change targets in its [Renewable Heat Action Plan](#), [Renewables Action Plan](#) and [Energy Efficiency Action Plan](#). Energy efficiency is defined in the Climate Change (Scotland) Act 2009 to include surplus heat from electricity generation and other industrial processes for district heating or other purposes.

## 12. Minerals and extractive waste

- 12.1 The [Management of Extractive Waste \(Scotland\) Regulations 2010](#) deliver the Mining Waste Directive's requirements for extractive industries to draw up appropriate Waste Management Plans for the prevention or minimisation, treatment, recovery and disposal of extractive waste. Additional guidance for Local Authorities on information that should be contained within Waste Management Plans can be found in the [Guidance on The Management of Extractive Waste \(Scotland\) Regulations 2010](#). This guidance states that most extractive waste in Scotland is inert and benefits from lighter controls.

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SEPA is a statutory consultee to the process (Regulation 12(2)), and the Guidance referred to sets out various roles for SEPA in this context of consultee. How this statutory role is to be discharged by SEPA is still a matter to be resolved given the "light touch" identified for discharge of these regulations, and there is currently an exploration of whether the consultative burden on planning authorities could be eased by our provision of standing advice.

- 12.2 It is stressed that these Regulations apply solely to extractive waste, and the need for mineral developments to address wider sustainable waste management issues as in any other form of development.

### 13. Waste as part of all developments

- 13.1 PAN 63 (paragraphs 51-52 and 82-83) and Annex B of the ZWP highlight the need to address waste management and minimisation within all new development. It is crucial to the delivery of the Zero Waste Plan to ensure that sustainable waste management is fully considered in all new development and it is important for waste management and recycling to be "built in" to development as early as possible in order to minimise waste, ensure efficiency of collection and maximise recycling. All developments should be designed to minimise the generation of waste during construction and provide adequate space for waste separation and collection, taking into account the availability and likely future availability of treatment capacity. It is recommended that reference is made to this issue by Strategic Development Plans, and that the Local Development Plan incorporates policies to achieve this.

- 13.2 **Where a planning authority is not prepared to include policies of this nature within the Local Development Plan then we should object**, clearly detailing the reasons for this and what modifications are required in order to remove our objection.

- 13.3 The minimisation of waste at construction and operational stages of all developments should be a recurrent theme throughout a Local Development Plan in order to achieve sustainability objectives. This could be achieved by policies requiring submission in appropriate cases of sustainable design statement or Site Waste Management Plan (SWMP), and as such may not necessarily be found solely within the waste management section of Local Development Plans.

- 13.4 A SWMP is an important way to help achieve sustainable waste management objective during the construction and operation of developments. **We will develop further guidance on how we implement the role identified for us in this area in Annex B and other planning policy/guidance, including our role in relation to Site Waste Management Plans. This guidance document will be updated as soon as this role is clarified.**

### 14. Links to other development plan topics

- 14.1 Waste and waste management is not a standalone issue - it is linked to climate change, economic, energy and infrastructure issues, and links

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between these topics should be made within the Development Plan. For example, waste should be seen as a resource, providing the opportunity to:

- maximise recycling of materials for subsequent use;
- maximise recovery of heat and energy through thermal treatment processes;
- offer potential job opportunities associated with the move to sustainable waste management.

14.2 In addition to these issues, the relationship waste management facilities will have with the natural environment, people and places should be considered by planning authorities when identifying new sites for waste management facilities, or when allocating sites adjacent to waste facilities for non-waste uses.

## 15. Further information

15.1 There is a wide range of policy and guidance available which is relevant to waste strategy:

- [EU Waste Framework Directive](#)
- [Zero Waste Plan](#)
- [Scottish Planning Policy](#)
- [Planning Advice Notes](#)
- [National Planning Framework 2](#)
- [Thermal Treatment of Waste Guidelines 2009](#)
- [Guidance on Site Waste Management Plans](#)
- [Climate Change \(Scotland\) Act 2009](#)
- [Renewable Heat Action Plan](#)
- [Renewable Energy Action Plan](#)
- [Energy Efficiency Action Plan](#)

15.2 Best Practice: The Scottish Government report on “Local Plans Meeting Area Waste Plan Objectives” and SEPA’s 2007 update contain examples of good practice in waste planning. Since this time some other plans which may assist are:

- Dundee Council’s [supplementary guidance](#) on managing waste in new development;
- Highland Council's emerging [Highland Wide local development plan](#).

15.3 There are numerous examples of policy wording suggested by SEPA at Local Plan Inquiries and also when commenting on development plans.

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## Issues to consider in relation to Zero Waste Plan

Strategic Development Plan (SDP)	Local Development Plan (LDP)
<p><b>1. Key issues / policy framework</b></p>	
<p>Scottish Planning Policy (paragraph 215) requires that “All development plans must identify appropriate locations for waste management facilities, allocating specific sites where possible and providing a policy framework which facilitates the development of these sites”. We will <b>object</b> to an SDP which does not fulfil this requirement.</p> <p>Waste is a strategic issue, and the SDP should set out the context for the strategic approach to waste management, in accordance with the ZWP and the national planning framework.</p> <p>SDPs should contain a policy framework for strategic waste management infrastructure based upon the ZWP and requirements set in the SPP, and establish the strategic waste management facilities required for the SDP area to deliver this.</p> <p>It should be made clear that the policy framework applies to all waste streams. We will <b>object</b> where this is not the case.</p> <p>SDPs should also contain strategic policies that will provide context for LDPs to deliver at a local level. For areas outwith</p>	<p>Scottish Planning Policy (paragraph 215) requires that “All development plans must identify appropriate locations for waste management facilities, allocating specific sites where possible and providing a policy framework which facilitates the development of these sites”. We will <b>object</b> to an LDP which does not fulfil this requirement of SPP.</p> <p>The LDP should set out the context for the planning authority’s approach to waste management, in accordance with the ZWP (and SDP if relevant) and the second National Planning Framework. For areas outwith SDPs, the LDPs should secure the SDP principles in addition to the LDP principles. It should be made clear that the policy framework applies to all waste streams, and we will <b>object</b> where this has not been carried through.</p> <p>LDPs should provide planning guidance on where waste facilities are considered to be most appropriate – either through identification on proposals maps or through policy guidance. They should also provide the policy framework for the preferred means of managing waste in the LDP area, delivering waste management as part of all developments, and the types of waste management facilities that will</p>

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<p>SDPs, the LDPs should secure the SDP principles in addition to the LDP principles.</p> <p>We <b>will not support</b> criteria based policies as sole approach towards planning for waste.</p> <p>We <b>will support</b> policy frameworks which set out acceptable locations (identified on proposals map), and which:</p> <ul style="list-style-type: none"> <li>• Support the ZWP;</li> <li>• Support new development ;</li> <li>• Safeguard existing waste handling installations/waste management sites;</li> <li>• Set out clear locational criteria;</li> <li>• Support the provision of infrastructure facilities for the management of all types of waste; and which</li> <li>• Support the inclusion of waste prevention and management as part of all new development.</li> </ul>	<p>be supported. This guidance <b>must</b> be applied equally to all waste streams, and we will <b>object</b> where this is not the case.</p> <p>Existing waste handling sites should be protected and long term provision should be made for the safeguarding of potential landfill sites.</p> <p>To capitalise on links between waste and energy, any waste policies should be linked to (or form part of) renewable energy policies in the plan.</p> <p>We will not support criteria based policies as sole approach towards planning for waste.</p> <p>We will support policy frameworks which set out acceptable locations (identified on proposals map), and which:</p> <ul style="list-style-type: none"> <li>• Support the ZWP;</li> <li>• Support new development;</li> <li>• Safeguard existing waste handling installations/waste management sites;</li> <li>• Set out clear locational criteria;</li> <li>• Support the provision of infrastructure facilities for the management of all types of waste; and which</li> <li>• Support the inclusion of waste prevention and management as part of all new development.</li> </ul>
<b>2. Waste hierarchy</b>	
The plan should provide positive encouragement for the move	As per SDP



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away from landfill towards waste minimisation and the sustainable management of waste, through the waste hierarchy.

The spatial strategy should identify the headline waste management objectives for the area and support the waste hierarchy. The following text is the key message development plans should be delivering regarding waste management:

*The waste hierarchy favours prevention over reuse, recycling, recovery then disposal. Proposals for waste management facilities within the Strategic Development Plan area shall comply with the waste hierarchy.*

This should not be the only waste management policy in the plan. We should recommend that development plans include reference to the waste hierarchy as part of their overall approach to setting out the planning authority's objectives for sustainable waste management waste.

### 3. Requirement for identifying waste management sites

SDPs should identify existing and new strategic or "joint" waste facilities that will manage waste for SDP area. These must be for all waste types, not solely municipal waste. SEPA can provide waste data information to assist the planning authority in their identification of need for waste management infrastructure.

LDPs must identify waste management facilities to contribute towards meeting national capacity needs; this can be provided through policy in the development plan with detailed information contained in supplementary guidance. Facilities must be for all waste types, not solely municipal waste.

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#### 4. Site identification

##### Existing sites

Existing strategic waste sites should be shown on the proposals map. We should recommend the following supporting text (or similar) be included in the SDP in support of this:

*“Existing waste management sites identified on the Proposals Map will be safeguarded for future sustainable waste management use and, where appropriate, for expansion in accordance with other waste management policies. Any development on these sites which would compromise or prevent their future use for waste management purposes will not be permitted.”*

##### New sites

Proposed strategic waste sites, or areas where it is considered appropriate for strategic waste facilities to be located, should be identified, and positive policies included to inform strategic approach towards development of these sites.

Where a development plan does not identify existing and proposed sites for waste facilities, or provide a clear direction as to where it is considered waste infrastructure should be located, we will **object** to the plan.

##### Existing sites

As per SDP

##### New sites

Sites suitable for new waste management facilities should be identified. Sufficient sites should be identified which will allow a range of choice in location for waste management facilities and may include the following:

- Industrial and employment areas;
- Degraded, contaminated or derelict land;
- Working and worked out quarries;
- Sites that have the potential to maximise the potential for the re-use of waste heat through co-location with potential heat users;
- Existing or redundant sites or buildings that can be easily adapted;
- Existing waste management sites, or sites that were previously occupied by waste management facilities;
- Sites located close to railways, major water transport or major road network junctions.

A positive policy framework should be included to inform decisions about proposed waste infrastructure developments on these sites.

Where a development plan does not identify existing and proposed sites for waste facilities, or provide a clear direction as to where it is

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	considered waste infrastructure should be located, we will <b>object</b> to the plan.
<b>5. Landfill</b>	
<p>In line with the waste hierarchy SDPs should encourage the maximum recovery of value from waste (i.e. through reuse, recycling and recovery) prior to final disposal of waste to landfill. We will <b>object</b> to any SDP which does not do this.</p> <p>Existing landfill sites should be identified on the proposals map.</p> <p>If there is a future requirement for a new strategic landfill site, expansion of existing sites or areas of search for new sites then this should be identified on the proposals map.</p>	<p>In line with the waste hierarchy the LDP should encourage the maximum recovery of value from waste (i.e. through reuse, recycling and recovery) prior to final disposal of waste to landfill. We will <b>object</b> to any LDP which does not do this.</p> <p>Existing landfill sites should be identified on the proposals map.</p> <p>The Planning Authority should refer to Table 2 (ZWP Annex B) and the Landfill Capacity Reports published on our website in order to determine future need. If there is a future requirement for a new landfill site, expansion of existing sites or areas of search for new sites then this should be identified within the LDP.</p>
<b>6. Thermal treatment of waste</b>	
<p>The policy context for energy from waste should be included within any energy or renewable energy section of the plan.</p> <p>SDPs must meet the requirements of the Climate Change (Scotland) Act 2009 by promoting the recovery of heat from waste management facilities. SEPA's Thermal Treatment of Waste Guidelines (and addendum) should be referred to, or required to</p>	<p>The policy context for energy from waste should be included within any energy or renewable energy section of the plan.</p> <p>LDPs must meet the requirements of the Climate Change (Scotland) Act 2009 by maximising the potential to recover heat from waste management facilities as set out in SEPA's Thermal Treatment of Waste Guidelines (and addendum). These guidelines should also be</p>

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<p>be used, for the identification and subsequent development of any energy from waste strategic site.</p>	<p>referred to, or required to be used, for the development of any energy from waste site proposal.</p> <p>Any sites that have been identified specifically for energy from waste (including combustion of biogas resulting from anaerobic digestion treatment) plants should allow links to be made to potential users of renewable heat and energy from the design of operations. Such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat.</p>
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## 7. Waste as part of all developments

<p>Reference should be made to the importance of incorporating waste management and recycling into all new developments.</p> <p>The details relating to this are more relevant in an LDP, although there may be some merit in using the wording in the LDP column for this issue in the SDP.</p>	<p>Waste management and recycling should be “built in” to all new developments as early as possible to minimise waste, ensure efficiency of collection, and maximise recycling. We can recommend incorporation of the following wording into the LDP:</p> <p style="text-align: center;"><i>“All new developments (including residential, commercial, business and industrial) shall include appropriate provision for recycling facilities for the collection and storage of all recyclable materials and/or composting facilities. This may include provision for kerbside collection and/or centralised mini recycling centres and composting facilities. Any communal recycling facilities must be sited on an accessible, convenient location”</i></p> <p>Alternatively this level of detail may be addressed in Supplementary</p>
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	<p>Guidance, in which case the LDP should establish an overarching policy to ensure the preparation of this further guidance.</p> <p>We will <b>object</b> to any LDP which does not include policies or wording of this nature.</p> <p>Provision should be made within LDPs for policies which include requirements for all new developments (including commercial, business, industrial and residential) to demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. Site Waste Management Plans are a useful tool to demonstrate this. If it is proposed to expand on waste management guidance within supplementary guidance, then the policy should make this clear in order to ensure that the supplementary guidance has policy standing and force.</p>
<b>8. Links to other development plan topics</b>	
<p>Waste should be seen as a resource, and consideration should be given when identifying new strategic waste facilities or areas of search to the relationship waste management facilities will have with the natural environment, people and places.</p>	<p>Waste should be seen as a resource, and links to other policy areas such as climate change, economic development, employment, energy and infrastructure topic areas should be made, as well as incorporating waste management in all new developments.</p> <p>The relationship waste management facilities will have with the natural environment, people and places should be considered when identifying new sites for waste management facilities, or when allocating sites adjacent to existing waste facilities for other non-waste uses.</p>