

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier:	LUPS-GU6
<p style="text-align: center;">Land Use Planning System SEPA Guidance Note 6</p> <p style="text-align: center;">Guidance on input to development management consultations in relation to Zero Waste Plan issues</p>	Page no:	1 of 14
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	Issue date:	25/05/2011
	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 management. It complements LUPS-GU5 which provides guidance on our planning role in relation to waste management and development planning.
- 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 \(ZWP\) 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.
- 1.3 In line with the modernised planning system, we will adopt a proportionate, solution-orientated approach to waste management development proposals, identifying "show-stoppers" as early in the process as possible to avoid wasted effort. In addition, we should be clear when a proposal is contrary to the ZWP and identify wherever possible how a proposal can be amended to deliver ZWP objectives.

2. Introduction

- 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 this Directive that: "*The hierarchy identifies the prevention of waste as the highest priority, followed by reuse, recycling, recovery of other value (eg, 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.*" The move towards sustainable waste management means that more facilities will be required to sort, reduce, recycle, process and recover value (including 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.*

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- *Planning Advice Note 63 (including revised versions).*
- *SEPA waste data sources: including Waste Data Digests, Local Waste Management Reports, Site Capacity and Infrastructure Reports and Maps.*
- *SEPA Thermal Treatment of Waste Guidelines 2009."*

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 ban (biodegradability);
- Introduction of restrictions on inputs to energy from waste facilities.

2.5 The planning system is crucial to the 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 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 *Scottish Planning Policy* (SPP) and the ZWP emphasise the importance of the planning system in delivering waste infrastructure. SPP sets out the issues to be considered when assessing development proposals for waste management facilities and provides guidance on waste management matters to be considered at the planning application stage 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 itself is acceptable rather than on control of the processes or waste streams involved,*
- *consider only the aspects of operations enforceable under planning control to minimise impacts on the environment, transport network and local communities, and*
- *secure decommissioning or restoration to agreed standards.*

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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 the impact on the natural and historic environment may also be relevant considerations.”

2.8 *Planning Advice Note 63 Waste Management Planning (PAN63)* provides guidance on the issues that have to be considered at planning application stage for waste facilities. This PAN is due to be revised in 2011.

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 We are consulted on proposals for new (or extensions to existing) waste management facilities and should provide clear advice to the planning authority, developer and the public as to whether or not the proposal complies with national policy and guidance, strategic and local development plan policies and proposals maps, and helps towards delivering the objectives of the ZWP.

3.3 Our role also covers assessing the acceptability of the development as a land use in the context of the issues falling within our remit. We also advise if a proposal is capable of being consented under regulatory regimes controlled by us in general terms (the detail is a matter for our control). We make representations on:

- The acceptability of the location, layout and design of the development relevant to our remit and the development plan.
- An indication of matters which will be regulated by us and therefore will not need to be controlled by planning conditions.
- Planning conditions which are essential to the acceptability of the development, including those which may be required to complement but not duplicate our regulatory control.

3.4 **Our planning responses should include a statement that we expect all waste management facilities to contribute towards the delivery of the ZWP.** On the rare occasion that a waste management proposal does not deliver the objectives of the ZWP, or is not capable of being consented in principle, and no agreement on amendments to meet our concerns can be reached, we should object to the proposal, and where possible provide information as to what the applicant would need to provide or undertake in order for us to remove our objection. Any response we make must be clear

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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.

3.5 Further guidance on our role in development management can be found in LUPS-GU1 and on our role with the development plan process in LUPS-GU11.

4. Responding to consultations on new waste management planning applications

4.1 In the first instance, we should respond to planning applications as guided by LUPS-GU1 – *SEPA's role in development management and similar consultations*.

4.2 Most significant planning applications raising waste management issues will in practice involve pre-application discussions. We should encourage this early engagement whenever possible as it allows issues to be identified early in the process along with any information that we will require to be submitted at the planning application stage. Experience suggests that getting all of the essential information submitted early in the process speeds the planning process. Furthermore, a clear set of information provided at the planning application stage has allowed applications going to planning appeal to be determined by a Reporter without the need of expensive and time-consuming inquiries or hearings. **It is therefore important that we maintain an objection until key information in relation to our planning interests has been provided.**

4.3 When assessing the information supplied and in framing our response to the Planning Authority, we should consider the following issues:

- Waste hierarchy
- Proximity principle
- Need
- Site selection and consentability
- Waste as a resource
- Landfill / landraise proposals
- Compliance with TTWG.

4.4 These issues are set out in more detail in Sections 5 to 11 below. If these issues are satisfactorily addressed then we can offer **support** for the proposal in 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 application. Where possible, we should always inform the applicant of what is required in order to address the reasons for objection.

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5. Commenting on the waste hierarchy

- 5.1 A key principle regarding waste is to ensure that the proposed waste facility complies with the Waste Hierarchy. The ZWP (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.”

- 5.2 All new developments, including waste management facilities, have a role in supporting the waste hierarchy. In all cases, it is preferable to deliver waste management as high up the hierarchy as possible.
- 5.3 **In our planning response we will remind the Planning Authority of the waste hierarchy, the preference for delivery of waste management as high up the hierarchy as possible (although stressing that an integrated waste management system comprises all elements) and identify where a proposed facility lies in the waste hierarchy.**

6. Commenting on the proximity principle

- 6.1 Annex B (paragraph 4.1) states: *“The Scottish Government considers that the requirement set out in Article 16(1) of the revised Waste Framework Directive will be met when there is enough waste infrastructure to deal with all waste arising annually in Scotland”*. The Scottish Government position in relation to need and the proximity principle are set out in Annex B paragraph 4.3 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.”

- 6.2 This means that it is acceptable for waste arising from any location within Scotland to be treated in any waste management facility proposed within Scotland. **We will therefore not require information about the origin of the waste to be treated in a particular facility to be provided in a planning application.**
- 6.3 All proposals should comply with the development plan (comprising the relevant sections of NPF2, the Strategic Development Plan if one exists for the area and the relevant Local Development Plan), irrespective of whether the proposal is to address waste arisings from the local authority area, a "joint solution" for several local authorities or a national facility.

7. Commenting on the need for a waste management facility

- 7.1 The ZWP establishes that there is a need for new waste management infrastructure to be provided until there is a national annual capacity available to meet the targets set out in the ZWP. The consideration of “need” for a

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waste management facility will be undertaken by the Planning Authority in accordance with the detailed guidance set out in Annex B of the ZWP. Planning applications should include information which demonstrates to the planning authority that a new proposal will support the achievement of an integrated sustainable waste management network and contribute towards meeting the need for facilities that address the Zero Waste requirements. **We will not comment in relation to “need” in our planning responses for waste management infrastructure other than in 7.3 and 7.4 below.**

- 7.2 An estimation of national need (based on 2008 baseline data) is given in Table 1 of Annex B to the ZWP. Table 2 provides figures for 10 years forward capacity for landfill.
- 7.3 When considering planning applications for waste management facilities, the planning authority will be able to assess whether there is a national need for that type of facility by referring to Table 1 or Table 2. It should be noted that, as paragraph 4.9 states, *“the figures within Table 1 are exclusive of facilities such as Household Waste Recycling Centres and Points, and intermediate waste transfer/bulking stations. This is because such developments should be unconstrained to allow the efficient and effective collection of material resources and transfer of waste/materials between the point at which they arise and the place of treatment.”* Therefore, Planning Authorities should not be comparing these types of facilities to capacity requirements set out in Table 1. **We will advise the planning authority which additional capacity figure is relevant (i.e. to manage source segregated waste, to manage unsorted mixed wastes, or landfill) in our planning response.** Tables 1 and 2 will be updated annually by us using the calculation method published on our website.
- 7.4 Paragraph 4.6 of Annex B informs the Planning Authority that *“comparison with Table 1 should not be regarded as a barrier to prioritising the growth of the resource management sector. This sector is an important industry for the future and individual local authorities may plan to become centres for resource management. The information in Table 1 is not intended to prevent this and, therefore, more infrastructure than is specified in the table may be developed over time in a particular area.”* **We should stress in our planning responses that the figures in Tables 1 and 2 should not be considered as limits on development.**

8. Commenting on site selection and consentability

- 8.1 We will advise if a proposal is capable of being consented in a specific location under the regulatory regimes controlled by us. Our [Planning guidance in relation to SEPA-regulated sites and processes \(LUPS GU15\)](#) should be followed when commenting on site selection and consentability, including when determining what information should be requested in order for us to consider a planning application.
- 8.2 We will provide comment on the acceptability of specific sites proposed in relation to consentability of the facility in that location. We will request only information that is relevant for consideration of the planning application at this

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stage. We require sufficient information to comment on whether or not we will be able to grant a permit for the proposed facility in that location based on assessment of the potential environmental impacts and available mitigation measures. We do not require detailed information about pollution mitigation measures at the planning stage. We should inform the applicant and the planning authority which issues will be dealt with at licensing stage, but requesting unnecessary information at the planning stage should be avoided.

8.3 We will object on the basis of lack of information where we deem that the information submitted in respect of land-use planning considerations is inadequate in order for us to assess the application. We will not object if the information lacking is solely for the environmental permit application.

8.4 We encourage applicants to engage with us early in the planning process. We also recommend that developers twin track applications for planning consent and environmental licensing to avoid the developer having to return to the Planning Authority with an amended scheme if modifications are required for the purposes of obtaining an environmental permit. Ultimately, however, it is up to the developer to decide whether or not to pursue a twin track approach.

8.5 The site should be capable of accommodating the proposal without resulting in unacceptable negative environmental impacts and be adequate for the activity proposed. Information sheets on planning characteristics for various waste treatment technologies (based on 2004 research carried out for the Office of the Depute Prime Minister) are available on our website. Additional information in relation to site selection for Energy from Waste proposals is detailed in Section 11. The local Operations Team can also provide assistance with the assessment of site size and advise if the identified site is adequate for the activity proposed.

8.6 On the rare occasion that a proposal is not capable of being consented in principle, and no agreement on amendments to meet our concerns can be reached, we will object to the proposal. Wherever possible we will advise the applicant what information is required in order for us to remove our objection.

9. Commenting on waste as a resource

9.1 A key objective of the ZWP, NPF2, SPP, PAN63 and TTWG is to view waste as a resource. Maximising the resource value of waste will ensure that the ZWP re-use and recycling targets are met and that only waste which cannot be reused or recycled is treated in energy from waste facilities or disposed of to landfill.

9.2 To support this, forthcoming changes to the PPC Regulations are expected to restrict inputs to incineration and co-incineration facilities to 'residual waste' only. This will mean that unsorted waste must be pre-treated to remove remaining recyclable materials prior to incineration.

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- 9.3 Landfill bans are also proposed to prevent source segregated recyclable materials, including food, from being disposed of to landfill. A further ban limiting the biodegradable content of landfilled waste is also proposed.
- 9.4 Until such regulatory changes take place, it is clearly in the applicant's interest to prepare for them by ensuring that in their development proposals for waste management infrastructure provision is made for compliance with them. In particular, proposals for incinerators and co-incinerators should be aware of the requirement to pre-treat unsorted waste. **Our planning responses, in their section on advice to the applicant, should draw the applicant's attention to this forthcoming requirement.**
- 9.5 If a recycling facility is to be provided as part of the larger treatment facility, then we should respond to consultations recommending conditions to be attached to the permission that:
- require the recycling facility to be operational when waste begins to be accepted on site and that unsorted waste received continues to be processed through it.
- 9.6 For recycling centres it is also worth considering if adequate space has been allocated for the segregation of different types of waste streams (e.g. waste electronic and electrical equipment (WEEE)) if it is proposed to deal with these wastes in the future.

10. Commenting on landfill/landraise proposals

- 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 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 states in paragraph 4.11 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. Planning Authorities will be required to assess any proposals for new landfill capacity against the 10 year capacity figure required set out in Table 2, and the existing landfill capacity (as set out in SEPA’s annual Landfill Capacity Reports), to determine if further landfill capacity would be required. The 10 year capacity figure 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 on landfill proposals, we will remind Planning Authorities of which Table they need to consider the proposal against.**

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- 10.3 Additional advice on issues for consideration relating to landfill and landraise proposals is contained within paragraphs 221 to 224 of SPP and paragraphs 47 to 50 of PAN63.
- 10.4 We should advise on the key areas we control, ongoing restoration and monitoring under our licensing regime, and at what point the site is considered to be restored. The Landfill Regulations set out in detail the issues to be covered by our licensing regime.
- 10.5 Under the terms of Regulation 5 of the Landfill (Scotland) Regulations 2003, planning permission should be granted only if the requirements of Paragraph 1(1) of Schedule 3 of these regulations have been taken into consideration i.e.:

“The location of a landfill must take into consideration requirements relating to:-

- (a) the distance from the boundary of the site to residential and recreation areas, waterways, water bodies and other agricultural or urban sites,*
- (b) the existence of groundwater, coastal water or nature protection zones in the area,*
- (c) the geological or hydro geological conditions in the area,*
- (d) the risk of flooding, subsidence, landslides or avalanches on the site, and*
- (e) the protection of the natural or cultural heritage of the area.”*

- 10.6 **We will advise the planning authority if sufficient information has been submitted to allow these requirements to be considered and we will object where it has not.**
- 10.7 Implementation of the ZWP should see the amount of waste being landfilled reducing further. Therefore it may take longer than originally planned for landfill operators to source sufficient waste. Operators may apply for planning permission to extend the operational lifetime of the site in order to achieve required site restoration levels. It is the Planning Authority's role to consider this need and we will not comment on this specific aspect.
- 10.8 **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. Commenting on compliance with the TTWG

- 11.1 Our [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.

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11.2 The TTWG set out in detail the information required by us in order to comment at the land use planning stage on thermal treatment proposals and anaerobic digestion (AD) facilities. The key additional information relates to the following issues:

- Site selection;
- Restrictions on inputs – treatment of residual waste only (note – this does not apply to inputs to AD facilities); and
- Recovery of heat and energy.

11.3 **Site selection:** As the location of energy from waste (EfW) facilities allows links to be made to potential users of heat and energy, the alternative sites considered, their potential for supplying heat and power to other users close to these sites and the reasons for excluding them from further consideration should be included in the Environmental Statement or planning submission. **We require the applicant to demonstrate that the site has been selected to take full advantage of opportunities to maximise energy efficiency.**

11.4 We will expect any proposal for an EfW facility to be located within a site which is adequate for the activities themselves to be carried out together with the ability to accommodate any required pollution control measures. We may object to a proposal on the grounds of consentability where the site is too small for the proposal e.g. there should be space available for energy recovery infrastructure including heat off-take pipe work and heat exchange / heat pump systems.

11.5 **We will comment on the acceptability of the location proposed for EfW plants in relation to energy efficiency, consentability and other land-use planning issues within our remit (e.g. flood risk).**

11.6 **Restrictions on inputs:** Annex A of the ZWP confirms (paragraph 6.3) that the 25% cap on municipal waste processed through EfW facilities will remain in force until the Government replaces the cap with restrictions on the types of materials that can be processed in EfW facilities. This cap is not an aspect that we control through our permitting regime; this will be controlled by the planning system until the relevant regulations have been changed.

11.7 The 25% cap on processing of municipal waste through EfW facilities will be replaced with a package of measures, including landfill bans, mandatory segregation of certain waste types, a limit on the biodegradable content of waste that can be landfilled, and restrictions on the materials that may be input to incinerators and co-incinerators. The Scottish Government envisages that the new legislative measures will be introduced during 2011 and applied through our regulatory procedures rather than planning and will apply to materials from *all* waste streams.

11.8 Until such regulatory changes take place, developers should be made aware that measures should be taken to remove recyclable materials prior to

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treatment in EfW plant. As a minimum this should include treatment to extract ferrous and non-ferrous metals and dense plastics. This pre-treatment may be done on the same site as the EfW plant or at another site.

11.9 Our planning responses, in their section on advice to the applicant, should draw the applicant's attention to this forthcoming requirement.

11.10 In light of the proposed changes to the regulations, planning authorities may consider that a planning condition relating to the 25% cap on municipal waste may be unnecessary. **We will not require a planning condition to be applied relating to the 25% cap on municipal waste.**

11.11 **Recovery of heat and energy:** "Energy from Waste" (EfW) is the process of producing energy in the form of electricity and/or heat from waste. The ZWP Annex B (paragraph 5.9, section 4) states that *"a heat plan should be provided by the applicant when planning permission is sought for energy from waste facilities"*. Scottish Planning Policy paragraph 219 supports the *"Siting of plant close to energy 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"*.

11.12 EfW facilities include incineration, pyrolysis, gasification and combustion of biogas from anaerobic digestion plants in gas engines. Sites identified for EfW facilities should allow links to be made to potential users of heat and power to maximise efficiency. This includes options for using the recovered energy for cooling.

11.13 Our TTWG provide advice to developers on the energy efficiency requirements we will expect EfW facilities to demonstrate in order for us to issue a permit to operate. In our planning responses we will advise if the applicant has submitted sufficient information for us to assess the energy efficiency of the proposed plant. We cannot issue a permit to operate for facilities which do not comply with the TTWG and recover energy with a high level of efficiency.

11.14 We will object to development proposals involving Energy from Waste where opportunities to utilise heat and/or connect to the grid are not identified or proposals do not meet the energy efficiency requirements set out in the TTWG.

11.15 Where new development is planned in the vicinity of an existing or consented EfW facility, we will advise planning authorities that developers and the planning authority should consider how best to ensure that these new developments are designed and conditioned to use the heat, for example in district heating schemes.

12. Commenting on all new developments (non-waste management facility applications)

12.1 Commenting on non-waste applications provides us with an opportunity to minimise the generation of waste, and ensure that the necessary

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infrastructure for waste management is built into new development. 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, and Annex B identifies a role for us in this process. All Development Plans should contain policies promoting this, and the relevant policies should be referenced by us in our response to planning consultations.

12.2 Annex B (paragraph 5.19 (3)) states: *"SEPA will comment on layout and design of non-waste applications to minimise the generation of waste, and ensure that the necessary infrastructure for waste management is built into new developments."*

12.3 Appropriately scaled and located facilities for waste management should be incorporated into the site layout and design of all new developments from the outset to assist delivery of the ZWP. As stated in PAN 63, new building design and layout has a crucial role in achieving effective waste management (paragraph 83). Provision for the separation, collection, composting (where appropriate) and recycling of recyclables and other waste materials should be incorporated within the design of new development. Developers could be encouraged to provide space in their developments to accommodate:

- Provision within the premises for facilities to separate and store different types of waste materials at source;
- Provision within the premises, or within the development site, for composting;
- Kerbside collections, including adequate vehicle turning capacity;
- Centralised facilities for the public to deposit materials for recycling and recovery within the development site.

12.4 The importance of these key design issues could be highlighted with new developments and Planning Authorities could be advised to refer to their waste management colleagues for advice or objections could be laid unless these elements are incorporated. Examples of the type of provision which may be required are:

- Space for home composter within gardens in residential properties and composting facilities generally, dependent on type of location;
- Space for storage of recycle containers and residual waste containers;
- Mini-recycling centres, suitably accessed (and landscaped if necessary);
- Shared communal storage and segregation facilities;
- Underground storage bins.

12.5 Details of maintenance arrangements will also be required.

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- 12.6 We therefore could comment in relation to facilitating sustainable waste management to support the objectives of the ZWP through the design of major new developments.
- 12.7 A Site Waste Management Plan (SWMP) is an important way to help achieve this objective during the construction and operation of developments.
- 12.8 **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.**
- 12.9 Where the proposed development is in close proximity to an EfW facility, we should draw attention to the opportunity to connect for heat and power. This may be appropriate for residential development as well as for industrial and commercial operators. **We will support this type of approach through our development plan guidance but will not object to residential developments which do not seek to connect for heat and power even where these schemes appear feasible.**
- 12.10 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.
- 12.11 An objective of the ZWP is to maximise recovery of energy. Similarly our TTWG seek to maximise recovery of heat and power, making efficiency savings and ensuring the EfW plant is as efficient as can reasonably be expected. NPF2 promotes the development of decentralised energy production, local heat networks and combined heat and power.

13. Extractive Waste

- 13.1 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. 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

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burden on planning authorities could be eased by our provision of standing advice.

- 13.2 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.

14. Useful sources of Information

Waste Data

- Information on waste data is contained on the waste data page of our website www.sepa.org.uk/waste/waste_data.aspx

Information on Waste Management Facilities and Role of Planning System

- Information sheets on the planning characteristics of a range of waste management facilities are available on our website at: www.sepa.org.uk/waste/information_resources/resources.aspx. These sheets were based upon a research report on Planning for Waste Facilities produced for the Office of the Depute Prime Minister and referenced in Scottish Planning Policy as a source of useful information.