

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2011 No. 226**

**The Waste (Scotland) Regulations 2011**

**Amendment of the National Waste Management Plan for Scotland Regulations 2007**

5.—(1) The National Waste Management Plan for Scotland Regulations 2007<sup>(1)</sup> are amended as follows.

(2) In regulation 2—

- (a) omit the definitions of “National Planning Policy Guideline 10” and “the National Waste Plan”;
- (b) for the definition of “hazardous waste” substitute—

““hazardous waste” means any waste which is to be considered as hazardous in accordance with Articles 3(2) and 7 of the Waste Directive;”;
- (c) after the definition of “hazardous waste” insert—

““the Landfill Capacity Report” means the document “Landfill Capacity Report for Scotland, 2008” published by SEPA in 2010<sup>(2)</sup>;

“the National Capacity Report” means the document “National Waste Capacity Report for Scotland 2008” published by SEPA in November 2009<sup>(3)</sup>”;
- (d) after the definition of “public consultees” insert—

““Scottish Planning Policy” means the statement of the Scottish Government’s policy on important land use planning matters published in February 2010<sup>(4)</sup>;

“Scotland” includes the Scottish marine area as defined in section 1 of the Marine (Scotland) Act 2010<sup>(5)</sup>”;
- (e) after the definition of “SEPA” omit “and”; and
- (f) for the definition of “the Waste Data Digest” substitute—

““ the Special-Hazardous Waste Data Summary” means the documents “Special waste consigned 2002-2006”; “Special waste recovered 2002-2006” and “Special waste disposed 2002-2006”, all published by SEPA in 2008 <sup>(6)</sup>;

“the Waste Data Digest” means the document “Waste Data Digest 10: Key facts and trends” published by SEPA in 2010<sup>(7)</sup>;

“the Waste Statistics Regulation Scotland Report” means the document “EU Waste Statistics Regulation Scotland Report 2006” published by SEPA in November 2008<sup>(8)</sup>; and

---

(1) S.S.I. 2007/251.

(2) [http://www.sepa.org.uk/waste/waste\\_data/site\\_capacity\\_infrastructure/landfill\\_capacity\\_reports.aspx](http://www.sepa.org.uk/waste/waste_data/site_capacity_infrastructure/landfill_capacity_reports.aspx).

(3) [http://www.sepa.org.uk/waste/waste\\_data/site\\_capacity\\_infrastructure/national\\_capacity\\_reports.aspx](http://www.sepa.org.uk/waste/waste_data/site_capacity_infrastructure/national_capacity_reports.aspx).

(4) ISBN 978 0 7559 9156 3. See also <http://www.scotland.gov.uk/Publications/2010/02/03132605/0>.

(5) asp 5.

(6) [http://www.sepa.org.uk/waste/waste\\_data/statutory\\_data\\_returns/special-hazardous\\_waste\\_data.aspx](http://www.sepa.org.uk/waste/waste_data/statutory_data_returns/special-hazardous_waste_data.aspx).

(7) [http://www.sepa.org.uk/waste/waste\\_data/waste\\_data\\_digest.aspx](http://www.sepa.org.uk/waste/waste_data/waste_data_digest.aspx).

(8) [http://www.sepa.org.uk/waste/waste\\_data/waste\\_data\\_reports/waste\\_statistics\\_regulations.aspx](http://www.sepa.org.uk/waste/waste_data/waste_data_reports/waste_statistics_regulations.aspx).

“Zero Waste Plan” means the document “Scotland’s zero waste plan” published by the Scottish Government in June 2010(9).”.

(3) After regulation 2 insert—

**“Interpretation: the Waste Directive**

**2A.** In these Regulations—

- (a) “the Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste;
- (b) other expressions used in the Waste Directive have the same meanings as in that Directive.”.

(4) In regulation 3—

- (a) in paragraph (1), for “the recovery and disposal of waste” substitute “waste prevention, preparation for re-use and waste management”;
- (b) in paragraph (2), for “consist of” substitute “include”;
- (c) in paragraph (3), before sub-paragraph (a) insert—

“(aza) an analysis of the current waste management situation, including existing waste collection schemes and major disposal and recovery installations;

(azb) a description of measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste;

(azc) the matters listed in Article 28(3) of the Waste Directive;”;

(d) in paragraph (3), after sub-paragraph (a) insert—

“(aa) in pursuance of the objectives and provisions of the Waste Directive, an evaluation of how the plan will support the implementation of those objectives and provisions; and”;

- (e) omit the “and” immediately following paragraph (3)(b);
- (f) omit paragraph (3)(c);
- (g) in paragraph (4) after “Ministers” insert “must review the national waste management plan at least once every six years and”; and
- (h) for paragraph (6) substitute—

“(6) The following documents form part of the national waste management plan:—

- (a) Zero Waste Plan;
- (b) the waste management policies set out in Scottish Planning Policy, the National Planning Framework and Planning Advice Note 63;
- (c) the Landfill Capacity Report;
- (d) the National Capacity Report;
- (e) the Special-Hazardous Waste Data Summary;
- (f) the Waste Data Digest; and
- (g) the Waste Statistics Regulation Scotland Report.”.

(5) In paragraph 1 of the Schedule, for “recovered or disposed of” substitute “managed”.

(6) In the Schedule, after paragraph 1 insert—

“**1A.** Applying the following waste hierarchy:

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery, including energy recovery;
- (e) disposal

in a way which delivers the best overall environmental outcome. The hierarchy may be departed from for particular types of waste where justified in order to ensure this outcome and by reference to the overall impact of the generation and management of such types of waste.”.

(7) For paragraph 2 of the Schedule substitute—

“**2.** Establishing an integrated and adequate network of waste disposal installations and of installations for the recovery of all mixed municipal waste which includes waste collected from private households, taking into account best available techniques.”.

(8) In paragraph 3 of the Schedule—

- (a) in sub-paragraph (a), after “disposal” insert “and in the recovery of the municipal waste referred to in paragraph 2,”; and
- (b) in sub-paragraph (b), after “of” where first occurring insert “,and the municipal waste referred to in paragraph 2 to be recovered,”.

(9) In paragraph 4 of the Schedule, after sub-paragraph (a) insert—

“(aa) reducing the quantity of waste produced through the re-use of products or the extension of their life spans;”.

(10) In the Schedule, after paragraph 4 insert—

“**4A.** Promoting the re-use of products and the preparation of products for re-use, in particular and where appropriate by—

- (a) encouraging the establishment of and supporting re-use and repair networks;
- (b) use of economic incentives;
- (c) use of procurement criteria; and
- (d) use of quantitative objectives.

**4B.** Encouraging—

- (a) the separate collection of bio-waste with a view to its composting and digestion;
- (b) the treatment of bio-waste in a way that fulfils a high level of environmental protection; and
- (c) the use of environmentally safe materials produced from bio-waste.”.