

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 15
	Issue No: Version 4
	Issue date: 11/02/2013

Contents

1. [Purpose and Scope](#)
2. [National Policy Framework](#)
3. [Our Role](#)
4. [Responding to Consultations in Relation to Zero Waste](#)
 - Table A - [considering proposals for waste management facilities](#)
 - Table B - [considering waste as part of all new development proposals](#)
 - Table C - [sources of additional information](#)

1 Purpose and Scope

- 1.1 This guidance note constitutes a material planning consideration. SEPA's Thermal Treatment of Waste Guidelines, to be updated in 2013, are a defined Material Consideration and specifically state that this guidance note contains the appropriate planning guidance regarding waste and planning.
- 1.2 The purpose of this note is to provide guidance on SEPA's planning role in relation to waste management. It provides advice to all stakeholders on the issues which we wish to see addressed regarding the [Zero Waste Plan](#) 2010 (ZWP) within the development management process. There is a pressing need for waste management to become more sustainable through the adoption of a "zero waste" philosophy. [Annex B](#) of the ZWP sets out the role of land use planning, and also identifies our planning role, in taking the ZWP forward. Through the planning consultation process we will continue to provide positive planning guidance and advice to support the delivery of 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 that "The waste hierarchy will guide our overall approach to managing Scotland's waste." This 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 infrastructure is a recognised Government priority in the second [National Planning Framework](#) (NPF2).
- 2.2 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 ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6	Page no: 2 of 15
	Issue No: Version 4
	Issue date: 11/02/2013
Guidance on input to development management consultations in relation to Zero Waste Plan issues	

- *Scottish Planning Policy*
- *Planning Advice Note 63 (including revised 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 (including revised versions)."*

2.3 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.

2.4 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.

2.5 The [Waste \(Scotland\) Regulations 2012](#) set out amendments to existing legislation to enable the objectives of the ZWP to be achieved including;

- Separate collections for metal, plastic, glass, paper and card from 1 January 2014.
- A ban on previously separated metal, glass, plastic, paper, card and food going to landfill or incinerator from 1 January 2014.
- Separate food waste collections for food businesses (either from 1 January 2014 or 2016, depending on amount of food waste generated).
- Biodegradable municipal waste banned from landfill from 1 January 2021.
- A requirement for Local Authorities to provide a minimum recycling service to householders.
- A requirement for waste contractors to provide collection and treatment services which deliver high quality recycling.
- Metals and dense plastics to be removed from municipal waste prior to incineration by 1 Jan 2016.

2.6 The planning system is crucial to delivery of these objectives; all new waste management facilities will require planning consent and existing facilities may require changes to plant and operational timescales. Facilities for storing recyclable waste must be considered, as should the potential for existing landfill sites to take longer to be completed and remediated due to the

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
<p style="text-align: center;">Land Use Planning System SEPA Guidance Note 6</p> <p>Guidance on input to development management consultations in relation to Zero Waste Plan issues</p>	Page no: 3 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

reduction in waste being disposed of to them. Waste minimisation and management is also required as part of the design of all new development.

- 2.7 NPF2 states (paragraph 168) that *“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 SPP sets out the role of development plans in planning for waste management facilities and identifies the issues to be considered when assessing development proposals for waste management facilities 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.”

SPP and NPF are due to be revised in 2013.

- 2.9 [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 2013.

3 Our role

- 3.1 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.”* Under the modernised planning system, we are also a key agency in the preparation of development plans.
- 3.2 We are consulted on proposals for new (or extensions to existing) waste management facilities and we will provide clear advice to the planning authority, developer and the public as to whether or not the proposal complies

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6 Guidance on input to development management consultations in relation to Zero Waste Plan issues	Page no: 4 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

with national policy and guidance and helps towards delivering the objectives of the ZWP.

3.3 Our role 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 therefore 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.

4 Responding to consultations in relation to zero waste

4.1 We will respond to development management consultations on zero waste issues as set out in Tables A and B below. If these issues are satisfactorily addressed then we can offer support 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. Where possible, we should always inform the planning authority and/or the applicant of what is required in order to address the reasons for objection.

Table A: Considering proposals for waste management facilities	
Key issues/policy framework	<p>The central issue we will consider when consulted on a proposed waste management facility is whether the proposed development will support delivery of the ZWP objectives.</p> <p>We will encourage early pre-application engagement on significant planning applications which raise waste management issues in order to enable issues and information requirements to be identified early in the planning process.</p>
Waste Hierarchy	<p>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.</p>

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6 Guidance on input to development management consultations in relation to Zero Waste Plan issues	Page no: 5 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

	<p>The Waste (Scotland) Regulations 2012 amend the PPC Regulations to restrict inputs to incineration and co-incineration facilities to 'residual waste' only. This means that unsorted waste must be pre-treated in order to remove any remaining recyclable materials prior to incineration.</p> <p>These Regulations also prevent source segregated recyclable materials, including food, from being disposed of to landfill, with implementation phased from 1 January 2014 to 1 January 2021. A further ban limiting the disposal of municipal biodegradable waste to landfill will be implemented from 1 January 2021.</p> <p>In light of these forthcoming regulatory changes it is in the applicant's interest to prepare for them by ensuring that their development proposal is made for compliance with these changes. In particular, developers proposing incinerators and co-incinerators should be aware of the requirement to pre-treat unsorted waste. In our planning responses, <u>we will</u> draw the applicant's attention to these forthcoming regulatory changes.</p>
Site Identification, Selection and Consentability	<p>We will use LUPS GU15 Planning guidance in relation to SEPA-regulated sites and processes to advise if a proposal is capable of being consented in a specific location under the regulatory regimes controlled by us. We will request only information that is relevant for consideration of the planning application at the planning stage; this may include information about pollution mitigation measures at this stage.</p> <p><u>We require</u> the site to be capable of accommodating the proposed development without resulting in unacceptable negative environmental impacts and to be adequate for the activity proposed. Information sheets on planning characteristics for various waste treatment technologies are available on our website. Additional information in relation to site selection for Energy from Waste proposals is given below. The local Operations Team will provide assistance with the assessment of site size and advise if the identified site is adequate for the activity proposed.</p> <p><u>We will object</u> on the basis of lack of information where we deem that the information submitted in respect of land-use planning considerations is inadequate for us to assess the application. <u>We will not object</u> if the information lacking is solely required for the environmental permit application.</p> <p>We will advise planning authorities to consider whether proposed new land uses are compatible with existing adjacent waste management facilities or waste management facilities in close proximity. In doing so we will advise that they consider the following issues:</p> <p>Buffer zones; SPP (paragraph 217) identifies that buffer zones may be appropriate for some waste management facilities, and that site specific characteristics will need to be taken into account by the planning authority</p>

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6 Guidance on input to development management consultations in relation to Zero Waste Plan issues	Page no: 6 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

	<p>in determining the size of buffer zone that is appropriate. We <u>will not</u> provide advice on the appropriateness of specific buffer zones. Local authority Environmental Health departments are best placed to advise in terms of potential adverse impacts which may arise from locating new development in the vicinity of existing waste sites and on the potential risk the proposal would pose to people or property. Additional guidance on buffer zones is contained within the ODPM Planning for Waste Management Facilities research study. This document provides detailed advice on general siting criteria for different types of waste management facilities, including distance from sensitive receptors.</p> <p>Co-location issues; the planning authority should give consideration as to whether the proposed use is consistent/compatible with existing adjacent uses. For example, given the potential for residual odour from some waste management sites, the Council should consider whether proposed uses are compatible with existing adjacent land uses, and whether adequate separation distances have been incorporated within the layout of the proposed development.</p> <p>Residual odour; we will regulate operations on waste management sites by means of a PPC permit/Waste Management licence. However, even with the use of best industrial practice, mitigation and odour abatement techniques, it is possible there may be a residual odour detected outwith the boundary of the waste management facility site. We consider that a residual odour can be defined as odour detected at or beyond the site boundary that is deemed to be non-offensive by the attending SEPA officer. Such residual odour may not necessarily represent non-compliance with the site licence conditions relating to offensive odours and therefore cannot be controlled by SEPA.</p> <p>Safeguarding existing waste management sites; the planning authority should give consideration as to whether a proposed adjacent land use would impact on or prevent activity on an existing regulated waste management facility.</p> <p>New PPC Regulations came into force on 7 January 2013 which increase the scope of PPC Part A Regulation. These changes could also have significant impacts on the design of proposed plants. We will inform applicants that they should refer to the information available on our website here.</p> <p>On the rare occasion where we are of the opinion 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, <u>we will object</u> 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. It is therefore important that we maintain an objection until key information in relation to our planning interests has been provided.</p>
--	---

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6 Guidance on input to development management consultations in relation to Zero Waste Plan issues	Page no: 7 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

Landfill/landraise proposals	<p>Planning Authorities are required to assess any proposals for new landfill capacity against the 10 year required capacity figure set out in Table 2 of Annex B, and the existing landfill capacity (as set out in SEPA's annual Landfill Capacity Reports) in order to determine if further landfill capacity would be required. The 10 year capacity figure in Annex B is updated annually. In our planning responses to landfill proposals, <u>we will remind</u> planning authorities of the information against which they should consider the proposal.</p> <p>Additional advice for planning authorities 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.</p> <p>The Landfill (Scotland) Regulations 2003 set out in detail the issues to be covered by our licensing regime. Under the terms of Regulation 5 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.:</p> <p><i>“The location of a landfill must take into consideration requirements relating to:-</i></p> <ul style="list-style-type: none"> <i>(a) the distance from the boundary of the site to residential and recreation areas, waterways, water bodies and other agricultural or urban sites,</i> <i>(b) the existence of groundwater, coastal water or nature protection zones in the area,</i> <i>(c) the geological or hydro geological conditions in the area,</i> <i>(d) the risk of flooding, subsidence, landslides or avalanches on the site, and</i> <i>(e) the protection of the natural or cultural heritage of the area.”</i> <p>Related to our remit, <u>we will advise</u> the planning authority if sufficient information has been submitted to allow these requirements to be considered and <u>we will object</u> where it has not.</p> <p>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 <u>we will not</u> comment on this specific aspect. <u>We will</u> continue to advise on the key areas we control i.e. ongoing restoration and monitoring under our licensing regime, and at what point the site is considered to be restored. We will advise the applicant to make sure that their licence is still fit for purpose.</p>
-------------------------------------	--

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6 Guidance on input to development management consultations in relation to Zero Waste Plan issues	Page no: 8 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

Compliance with Thermal Treatment of Waste Guidelines	<p>Our TTWG are a material consideration and should be used by planning authorities in assessing development proposals for waste management facilities that include thermal treatment of waste. As stated in the TTWG, this guidance note provides our planning position regarding Thermal Treatment facilities and the information below constitutes a material planning consideration.</p> <p><u>We will</u> use the TTWG in formulating our responses to appropriate planning applications. 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). 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 as directed by NPF2.</p> <p><u>We require</u> the applicant to demonstrate that the following issues have been addressed in the proposal. The information is required by us in order to comment at the land use planning stage on thermal treatment proposals and anaerobic digestion (AD) facilities.</p> <p>Site selection: As the location of energy from waste (EfW) facilities should allow 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. <u>We require</u> the applicant to demonstrate that the site has been selected to take full advantage of opportunities to maximise energy efficiency.</p> <p>Site size: <u>We will expect</u> 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. <u>We will object</u> 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.</p> <p>Restrictions on inputs: The Waste (Scotland) Regulations 2012 contain a package of measures which include restrictions on the materials that may be input to incinerators and co-incinerators. The new legislative measures will be applied through our regulatory procedures rather than planning and will apply to materials from <i>all</i> waste streams.</p> <p>In our planning responses <u>we will</u> draw the applicant's attention to the requirements contained in the Waste (Scotland) Regulations 2012.</p> <p>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 "<i>a heat</i></p>
--	---

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6	Page no: 9 of 15
	Issue No: Version 4
	Issue date: 11/02/2013
Guidance on input to development management consultations in relation to Zero Waste Plan issues	

	<p><i>plan should be provided by the applicant when planning permission is sought for energy from waste facilities". SPP (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".</i></p> <p>In our planning responses <u>we will</u> 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.</p> <p>We <u>will object</u> to development proposals involving EfW where opportunities to utilise heat and/or connect to the grid are not identified or where proposals do not meet the energy efficiency requirements set out in the TTWG.</p> <p>We <u>will object</u> to development proposals adjacent to EfW, other heat providers or new or established heat networks, which do not connect or have not been designed to enable connection to utilise the heat provided. In order to ensure EfW (and other heat providers) comply with the TTWG and meet the energy efficiency requirements, new developments must make use of the energy generated.</p> <p>New PPC Regulations came into force on 7 January 2013 which increase the scope of PPC Part A Regulation. These changes could also have significant impacts on the design of proposed plants. We will inform applicants that they should refer to the information available on our website here</p>
Proximity Principle	<p>The ZWP Annex B (paragraph 4.3) states that <i>"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"</i>.</p> <p>Our interpretation of this is that it is acceptable for waste arising from any location within Scotland to be treated in any waste management facility proposed within Scotland. We <u>will not</u> require information about the origin of the waste to be treated in a particular facility to be provided in a planning application and we <u>will not</u> provide any comment regarding the origin (or later destination) of waste that is to be treated within any waste management facility.</p> <p>This position has been positively referenced to by reporters and judges in recent appeals and judicial reviews.</p>
Need	<p>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</p>

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6	Page no: 10 of 15
	Issue No: Version 4
	Issue date: 11/02/2013
Guidance on input to development management consultations in relation to Zero Waste Plan issues	

	<p>is updated annually by SEPA. It should be noted that the tables in Annex B are based on <i>operational</i> capacity; gaining planning permission does not automatically mean that a proposal will become operational.</p> <p>The measures set out in the Waste (Scotland) Regulations 2012 aim to deliver high quality recycling which will maximise the value that can be gained from waste. This is likely to require a number of new types of processing facilities.</p> <p>We <u>will not</u> assess need for waste management infrastructure – this will be undertaken by the relevant planning authority in accordance with the detailed guidance set out in Annex B of the ZWP. We will direct planning authorities to the most up-to-date information which should be used in formulating their decision.</p> <p>We should stress in our planning responses that the figures in Tables 1 and 2 should not be considered as limits on development.</p>
EIA Developments	<p>A waste management facilities would be considered an “EIA development” if it falls within the parameters of Schedule 1 or Schedule 2 of The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2011 (“EIA Regulations”). We will expect an Environmental Impact Assessment to be undertaken to consider the environmental impacts of the proposed development. This may replicate some information which would be contained within a permit or licence application but is required to be provided under the EIA regulations.</p> <p>Specific information and guidance regarding the application of the EIA directive, which informs the EIA regulations, regarding waste management proposals has been contained within p32 of the “Environmental Impact Assessment of Projects – Rulings of the Court of Justice”:</p> <p><i>“Projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location should be subject to an assessment with regard to their effects. Accordingly, that concept, which is not equivalent to that of waste disposal for the purpose of Directive 75/442, must be construed in the wider sense as covering all operations leading either to waste disposal, in the strict sense of the term, or to waste recovery.</i></p> <p><i>As a result, an establishment, which generates electricity from the incineration of biomass and combustible materials derived from waste and which has a capacity exceeding 100 tonnes per day, comes into the category of disposal installations for the incineration or chemical treatment of non-hazardous waste in point 10 of Annex 1 to the EIA Directive. As such, before being authorised, it should have undergone the environmental impact assessment procedure, since the projects which fall within Annex 1 must undergo a systematic assessment under</i></p>

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
<p style="text-align: center;">Land Use Planning System SEPA Guidance Note 6</p> <p>Guidance on input to development management consultations in relation to Zero Waste Plan issues</p>	Page no: 11 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

	<p><i>Articles 2(1) and 4(1) of that directive.”</i></p> <p>Screening Opinion</p> <p>Under the revised EIA regulations, we would expect that waste management proposals which fall under Schedule 1 or Schedule 2 would constitute an EIA development, and we would therefore expect that an EIA is undertaken.</p> <p><u>Schedule 1 waste management facilities</u></p> <p>Waste management facilities that fall within the definitions contained in Schedule 1 will <i>always</i> require an EIA to be undertaken:</p> <table border="1" style="width: 100%;"> <tr> <td>9. Waste disposal installations for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives(3) under heading D9), or landfill of hazardous waste (that is to say, waste which is considered to be hazardous in accordance with Articles 3(2) and 7 of that Directive).</td> </tr> <tr> <td>10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.</td> </tr> </table> <p><u>Schedule 2 waste management facilities</u></p> <p>Waste management facilities that fall within the definitions contained within Schedule 2 may be required to have an EIA undertaken if the applicable threshold or criteria is exceeded:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">11. Other Projects</td> <td></td> </tr> <tr> <td>(b) Installations for the disposal of waste (unless included in Schedule 1);</td> <td>(i) the disposal is by incineration; or (ii) the area of the development exceeds 0.5 hectare; or (iii) the installation is to be sited within 100 metres of any controlled waters.</td> </tr> </table> <p>Environmental Statement</p> <p>Schedule 4 of The Regulations identifies the information that should be included in Environmental Statements.</p> <p><u>Alternatives</u> – If the proposal may have negative environmental impacts (which may be mitigated), then we may require information to be provided which shows the alternatives considered (sites and technologies) and why they were discounted from development. Of particular importance in this consideration is whether alternative sites or technologies discounted would have had a lesser environmental impact.</p>	9. Waste disposal installations for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives(3) under heading D9), or landfill of hazardous waste (that is to say, waste which is considered to be hazardous in accordance with Articles 3(2) and 7 of that Directive).	10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.	11. Other Projects		(b) Installations for the disposal of waste (unless included in Schedule 1);	(i) the disposal is by incineration; or (ii) the area of the development exceeds 0.5 hectare; or (iii) the installation is to be sited within 100 metres of any controlled waters.
9. Waste disposal installations for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives(3) under heading D9), or landfill of hazardous waste (that is to say, waste which is considered to be hazardous in accordance with Articles 3(2) and 7 of that Directive).							
10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.							
11. Other Projects							
(b) Installations for the disposal of waste (unless included in Schedule 1);	(i) the disposal is by incineration; or (ii) the area of the development exceeds 0.5 hectare; or (iii) the installation is to be sited within 100 metres of any controlled waters.						

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6	Page no: 12 of 15
	Issue No: Version 4
	Issue date: 11/02/2013
Guidance on input to development management consultations in relation to Zero Waste Plan issues	

	<p>We would also consider whether an alternative site or technology would have been more likely to enable the proposal to better meet the requirements of the Thermal Treatment of Waste Guidelines for example whether an alternative site would have enabled the energy/power generated to be used by an existing heat user/heat network rather than requiring a new heat user or network to be established.</p>
--	--

Table B – considering waste as part of all new development proposals

Key issues/policy framework	<p>The central issue to consider is whether the proposed development supports delivery of the ZWP objectives.</p> <p>We consider that to do this adequately all new development should be designed to enable:</p> <ul style="list-style-type: none"> • minimisation of waste generation during construction; and • provision of adequate space for separation and collection of waste. <p>Any new development that is proposed adjacent to an existing or proposed facility which produces heat/power must be designed to enable connection to the heat/power. We <u>will object</u> unless this connection is incorporated into the new development proposal.</p>
Co-location issues	<p>We will advise planning authorities to consider whether proposed new land uses are compatible with existing adjacent waste management facilities or waste management facilities in close proximity. In doing so we will advise that they consider the following issues:</p> <p>Buffer zones; SPP (paragraph 217) identifies that buffer zones may be appropriate for some waste management facilities, and that site specific characteristics will need to be taken into account by the planning authority in determining the size of buffer zone that is appropriate. We <u>will not</u> provide advice on the appropriateness of specific buffer zones. Local authority Environmental Health departments are best placed to advise in terms of potential adverse impacts which may arise from locating new development in the vicinity of existing waste sites and on the potential risk the proposal would pose to people or property. Additional guidance on buffer zones is contained within the ODPM Planning for Waste Management Facilities research study. This document provides detailed advice on general siting criteria for different types of waste management facilities, including distance from sensitive receptors.</p> <p>Co-location issues; the planning authority should give consideration as to whether the proposed use is consistent/compatible with existing adjacent waste management uses. For example, given the potential for residual odour from some waste management sites, the Council should consider whether</p>

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6 Guidance on input to development management consultations in relation to Zero Waste Plan issues	Page no: 13 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

	<p>proposed uses are compatible with existing adjacent waste land uses, and whether adequate separation distances have been incorporated within the layout of the proposed development.</p> <p>Residual odour; we will regulate operations on waste management sites by means of a PPC permit/Waste Management licence. However, even with the use of best industrial practice, mitigation and odour abatement techniques, it is possible there may be a residual odour detected outwith the boundary of the waste management facility site. We consider that a residual odour can be defined as odour detected at or beyond the site boundary that is deemed to be non-offensive by the attending SEPA officer. Such residual odour may not necessarily represent non-compliance with the site licence conditions relating to offensive odours and therefore cannot be controlled by SEPA.</p> <p>Safeguarding existing waste management sites; the planning authority should give consideration as to whether a proposed adjacent land use would impact on or prevent activity on an existing regulated waste management facility. In our response we will make it clear that it is the planning authority's decision whether the proposed use is compatible with existing uses.</p> <p>Where new development is proposed in the vicinity of an existing or consented EfW facility, <u>we will</u> advise planning authorities that the developers and the planning authority should consider how best to ensure that the new development is designed and conditioned to use available heat and / or energy, for example in district heating schemes. <u>We will object where</u> new development has not been designed to enable connection to the heat/power.</p>
<p>Incorporating zero waste requirements into new development</p>	<p>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 by;</p> <ul style="list-style-type: none"> • minimising the generation of waste during construction; and • providing adequate space for waste separation and collection. <p>Annex B (paragraph 5.19 (3) states: "<i>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.</i> The design of new developments can have a significant impact on how potential users manage their waste. Well designed developments will enable users (and those responsible for waste collection) to more easily achieve sustainable waste management practices.</p> <p><u>We require</u> appropriately scaled and located facilities for waste management to be incorporated into the site layout and design of all new developments from the outset to assist delivery of the ZWP. 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. <u>We will</u> encourage developers to provide space in their developments to accommodate:</p>

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
Land Use Planning System SEPA Guidance Note 6 Guidance on input to development management consultations in relation to Zero Waste Plan issues	Page no: 14 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

	<ul style="list-style-type: none"> • 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. <p>A Site Waste Management Plan (SWMP) is an important way to help achieve waste minimisation during the construction and operation of developments. We require SWMPs as an integral part of the Construction Environmental Management Plan for all new major development. Details of this requirement are set out in the Pollution Prevention and Environmental Management section of our web-site. Where we require a SWMP to be submitted as part of the planning or CEMPs process then <u>we will</u> assess the submitted plans in terms of the issues which are relevant to our remit. <u>We will</u> encourage the planning authority to appraise the submitted SWMP with reference to guidance that has been produced by agencies such as NetRegs, WRAP and the DTI. <u>We will</u> refer planning authorities and developers to the SWMP good practice notes which can be found here.</p> <p><u>We will</u> only provide comment on a SWMP or CEMP where we have specifically requested that this be submitted to the planning authority. In undertaking an assessment we will firstly consider whether the submitted plan covers the range of issues within our remit. This may be by way of reference to sources of guidance, advice, and templates on the content of SWMPs prepared by bodies such as the DTI, NetRegs and WRAP. The second step will be to assess the quality of the submission in terms of the issues covered by our remit i.e. does the SWMP (a) contain an appropriate level of detail; (b) set out clear reporting processes and lines of communication; and (c) does it name individuals against specific tasks for the issues which fall within our remit.</p>
--	---

Table C – sources of additional information	
Renewables and Climate Change	<ul style="list-style-type: none"> • Climate Change (Scotland) Act 2009 • Scottish Government's Renewables Action Plan, Renewable Heat Action Plan and Energy Efficiency Action Plan
Waste Data	<ul style="list-style-type: none"> • Waste Data section of SEPA's website, • Waste Site information – waste sites & capacity and landfill sites & capacity. Both updated annually. • Waste Infrastructure Maps based on SEPA's license data and capacity information above; show all licensed and permitted waste facilities accepting waste. • Zero Waste Plan Data prepared by SEPA to support the plan and help monitor policies and targets.
Environmental Assessment	<ul style="list-style-type: none"> • Scottish Government's webpages on Environmental Impact Assessment provides legislation, guidance and advice.

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU6
<p style="text-align: center;">Land Use Planning System SEPA Guidance Note 6</p> <p>Guidance on input to development management consultations in relation to Zero Waste Plan issues</p>	Page no: 15 of 15
	Issue No: Version 4
	Issue date: 11/02/2013

Site Waste Management Plans	<ul style="list-style-type: none"> • Netregs information and guidance on site waste management plans • WRAP information on Designing out Waste
------------------------------------	--