

APPENDIX 12.1 MATERIALS AND WASTE LEGISLATION SUMMARY

This Appendix provides a summary of legislation and policy applicable to materials and waste, and an assessment on how the Proposed Scheme confirms to high level strategy targets.

Table 0-1 - Type Caption Here

Legislation Title	Summary	Conformance with strategy targets
<p>Waste Framework Directive (2008/98/EC) (Ref 12.1.1)</p>	<p>The Directive provides a comprehensive foundation for the management of waste across the European Community and provides a common definition of waste. A definition of waste is provided in Article 3 of the Directive which defines waste as:</p> <p><i>“any substance or object that the holder discards or intends or is required to discard”.</i></p> <p>It is important to note that the definition of ‘discard’ set out in the Waste Framework Directive is different to its dictionary definition: the Directive definition includes any substance or object that is discarded for disposal or that has not been subject to acceptable recovery (including recycling).</p> <p>In accordance with the Waste Framework Directive, Member States are obligated to give due consideration to waste prevention mechanisms and where possible recover, reuse or recycle waste. Specifically, explicit targets are laid out for construction, demolition and excavation wastes: 70% of non-hazardous construction and demolition waste must be recovered, reused or recycled by 2020.</p> <p>The Waste Framework Directive sets out the Waste Hierarchy against which action to reduce the production and disposal of waste shall be taken.</p> <p>Figure 0-1 - Waste Hierarchy</p> 	<p>The Proposed Scheme conforms with the Directive by identifying opportunities to avoid the production of waste, and by promoting waste management that accords with the highest levels of the hierarchy. This is demonstrated by the volumes of waste identified for on-site re-use and off site recovery (see Table 12.12 in Chapter 12) and minimal quantities of waste anticipated for disposal to landfill (see Table 12.13 Chapter 12).</p>

	<p>The main principles of the Waste Hierarchy (Ref 12.1.2) are:</p> <ul style="list-style-type: none"> Prevention - using less material in design and manufacture; keeping products for longer; re use; using less hazardous materials; Preparing for reuse - checking, cleaning, repairing, refurbishing, whole items or spare parts; Recycling - turning waste into a new substance or product; includes composting if it meets quality protocols; (other types of) Recovery - anaerobic digestion; incineration with energy recovery; gasification and pyrolysis which produce energy (fuels, heat and power); recovering materials from waste; some backfilling; and <p>Disposal - landfill and incineration without energy recovery</p>	
<p><i>The Controlled Waste (England and Wales) Regulations 2012 (Ref 12.1.3)</i></p>	<p>The Regulations provide a definition of controlled waste and classifies waste as household, industrial or commercial waste. It allows Local Authorities to implement charges for the collection of waste from non-domestic properties.</p>	<p>The regulations help to define waste and give context to the assessment. Included for guidance for the applicant to ensure waste is accurately defined in the Site Waste Management Plan (SWMP) as part of the Construction Environmental Management Plan (CEMP) and therefore managed responsibly during the development of the Proposed Scheme.</p>
<p><i>The Waste (England and Wales) Regulations 2011 (Ref 12.1.4)</i></p>	<p>The legislative requirements of the EU Directive are transposed into UK law via these regulations. They stipulate the requirement for industry and businesses to implement the Waste Hierarchy.</p>	<p>The Proposed Scheme conforms with the regulations by promoting waste management in the highest levels of the hierarchy as demonstrated in Table 12.12. and 12.13 in Chapter 12.</p>
<p><i>Clean Neighbourhoods</i></p>	<p>States that it is the responsibility of construction workers on site to guarantee that waste is disposed in the appropriate</p>	<p>The development of a SWMP and Materials</p>

<p>and Environment Act 2005 (Ref 12.1.5)</p>	<p>manner. In accordance with this, employees must undertake waste disposal activities as outlined in national law.</p>	<p>Management Plan (MMP) by the contractor will demonstrate conformance with the regulations through identifying waste management responsibilities during the construction phase.</p>
<p>Hazardous Waste (England and Wales) Regulation's 2005 (Ref 12.1.6)</p>	<p>Introduce measures to control the storage, transport and disposal of hazardous waste. It provides a means to ensure that hazardous waste and any associated risks are appropriately managed.</p>	<p>The Proposed Scheme conforms with the Regulations by giving context for the management of hazardous waste during construction, and thus offering context to the assessment.</p> <p>As noted in Table 12.13, hazardous waste is anticipated in fly-tipped waste.</p>
<p>Waste Minimisation Act 1998 (Ref 12.1.7)</p>	<p>Enables Local Authorities to take the appropriate steps to reduce and minimise the generation of household, commercial or industrial waste within their area.</p>	<p>The Proposed Scheme conforms with the act by promoting opportunities to minimise waste production and disposal.</p>
<p>Environmental Protection Act 1990 (Ref 12.1.8)</p>	<p>Outlines the requirement of the manager of a development to ensure that any excess materials or waste as a result of construction activities are recovered or disposed of without any subsequent adverse effects upon the surrounding environment.</p>	<p>The Proposed Scheme conforms with the act by giving context for the effective management of materials and waste during construction.</p>
<p>The Control of Pollution Act 1974 (Ref 12.1.9)</p>	<p>Makes provisions with respect to the generation and revision of 'waste disposal plans' and prohibits the unlicensed disposal of waste.</p>	<p>No direct targets applicable to the Proposed Scheme. The act gives context for the waste disposal responsibilities.</p>

Table 0-2 – National Policy summary

Policy title	Summary	Conformance with policy targets
<p><i>The National Planning Policy Framework (NPPF) 2019 (Ref 12.1.10)</i></p>	<p>This NPPF sets out policies for national construction minerals supply. It aims to facilitate the sustainable use of minerals (Chapter 17), which are a finite natural resource, and can only be worked where they are found, as best use needs to be made of them to secure their long-term conservation. <i>“Planning policies should:</i></p> <ul style="list-style-type: none"> ▪ provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction; <p>so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously.”</p>	<p>The Proposed Scheme promotes the sustainable use and conservation of minerals, as described in the Primary Mitigation Measures under Section 12.5 of Chapter 12.</p> <p>The Proposed Scheme considers peat extraction and mineral safeguarding areas in the Baseline Conditions (Section 12.4) to help determine the significance of effect.</p> <p>In Section 12.5, the cut and fill balance, and the diversion of arisings from landfill for reuse consider the contribution of secondary and recycled materials.</p>
<p><i>Our waste, our resources: A strategy for England (Ref 12.1.11)</i></p>	<p>This Strategy sets out how the Government will preserve stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. The strategy also outlines the Governments aims to minimise the damage caused to the natural environment by reducing and managing waste safely and carefully, and by tackling waste crime. It combines actions to take now with firm commitments for the coming years and gives a clear longer-term policy direction in line with the 25 Year Environment Plan (Ref 12.1.13).</p>	<p>By identifying and promoting mitigation measures to avoid adverse impacts on amenity and the environment, including management of waste that accords with the Waste Hierarchy and promoting resource efficiency. Evidence is set out in the Primary Mitigation Measures under Section 12.5 of Chapter 12.</p> <p>The Monitoring section under Section 12.6 of</p>

		Chapter 12 outlines how an MMP and SWMP will be developed by the contractor as part of the CEMP and how they will be used to comply with this policy by minimising the volume of waste produced and sent for disposal, in accordance with the Waste Hierarchy.
25 Year Environmental Plan Ref 12.1.12)	<p>The 25 Year Environmental Plan set out government actions to improve, regain and retain the natural world. The Plan sets out high level goals, which includes <i>“using resources from nature more sustainably and efficiently”</i> and <i>“minimising waste”</i> (Our 25-year goals, page 10).</p> <p>Chapter 4: Increasing resource efficient and reducing pollution and waste seeks to:</p> <ul style="list-style-type: none"> • <i>“Make sure that resources are used more efficiently and kept in use for longer to minimise waste and reduce its environmental impacts by promoting reuse, remanufacturing and recycling.</i> • <i>Work towards eliminating all avoidable waste by 2050 and all avoidable plastic waste by end of 2042.”</i> (Chapter 4, page 83). <p>Achievement of the Plan ambitions requires a <i>“move towards a regenerative, circular economy”</i> through, for example <i>“the wastes or by-products of one [industrial facility or company] become the raw materials of another”</i> (Chapter 4, page 84).</p> <p>In relation to waste elimination, the plan sets out to <i>“reduce the demand for single use plastic”</i> and <i>“make it easier for people to recycle”</i> (Chapter 4 page 88). Other measure include encouraging energy from waste plants to <i>“maximise the amount of energy recovered from residual waste while minimising the environmental impact of managing it”</i> (Chapter 4 page 94).</p>	The Proposed Scheme conforms with the policy by promoting reuse and recycling as well as utilising earthwork arisings from a nearby development (a by-product) as earthworks within the Proposed Scheme (a raw material).
Waste Management Plan for England, 2013 (Ref 12.1.13)	The Waste Management Plan for England provides a detailed analysis of the present state of waste management at a national level, and assesses how the objectives of the Waste Framework Directive will be effectively supported. The Plan set out that excavation, construction and demolition	The Proposed Scheme conforms with the policy by promoting waste management level within the highest levels of the hierarchy.

	<p>waste is the largest contributor to total waste generation in the UK.</p> <p>The Waste Management Plan for England also outlines the waste hierarchy, which gives top priority to waste prevention, followed by preparing for reuse, the recycling, other types of recovery and finally disposal (e.g. landfill).</p>	
<p>National Planning Policy for Waste, 2014 (Ref 12.1.14)</p>	<p>The National Planning Policy for Waste outlines the ambition to promote a sustainable approach to resource use and management. It sets out waste planning policies, and should be read alongside: the recently revised National Planning Policy Framework; the National Waste Management Plan for England and any relevant successor policies, guidance or documents. Policies include:</p> <ul style="list-style-type: none"> ▪ Delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy; ▪ Ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities; ▪ Helping to secure the reuse, recovery or disposal of waste without endangering human health and without harming the environment; and ▪ Ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste. <p>The National Planning Policy for Waste also states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:</p> <ul style="list-style-type: none"> ▪ The likely impact of proposed, non-waste related development on existing waste management facilities is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities; ▪ New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities 	<p>The Proposed Scheme conforms with the policy by promoting a sustainable approach to resource use and management through effective mitigation.</p>

	<p>with the rest of the development and, in less developed areas, with the local landscape; and</p> <ul style="list-style-type: none"> ▪ The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal. 	
<p>National Policy Statement for Hazardous Waste 2013 (Ref 12.1.15)</p>	<p>This policy statement outlines the main objectives on Government Policy for hazardous waste, including:</p> <ul style="list-style-type: none"> ▪ To protect human health and the environment: there are stringent legislative controls in place to control the management of waste with hazardous properties; ▪ Implementation of the waste hierarchy: This aids the production of less hazardous waste, promoting its reuse as a resource (where possible). Disposal of the waste is noted as a last resort; ▪ Self-sufficiency and proximity: This ensures that sufficient disposal facilities are provided across country to match expected arisings of all hazardous wastes, except those produced in very small quantities, and to enable hazardous waste to be disposed of in one of the nearest appropriate installations; and ▪ Climate change: To minimise greenhouse gas emissions and maximise opportunities for climate change adaptation and resilience. <p>The policy additionally outlines the key principles for the management of hazardous waste, as follows:</p> <ul style="list-style-type: none"> ▪ Principle 1: Hazardous waste should be managed as to provide the best possible environmental outcome. This is expected to be in line with the waste hierarchy, with the exception of when life cycle analysis suggests that the best overall environmental option would require a departure from that hierarchy. ▪ Principle 2: Requires a reduction in reliance upon landfill, with landfill only being used where there is no alternative recovery or disposal option available. ▪ Principle 3: This principle requires that hazardous waste is not mixed with different categories of hazardous waste or with other waste substances or materials (although co-disposal of some wastes in landfill is allowed). ▪ Principle 4: Stipulates that organic hazardous wastes that cannot be reused, recycled or recovered should be subject to destruction using best available techniques, with energy recovery for all appropriate treatments. No hazardous organic waste should be landfilled unless the requirements of the Landfill Directive are met. 	<p>The Proposed Scheme conforms with the policy by promoting approaches in line with the objectives and principles of hazardous waste management.</p>

	<ul style="list-style-type: none"> Principle 5: The practice of relying on higher Landfill Directive waste acceptance criteria to enable some hazardous waste to continue to be landfilled must end. 	
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Table 0-3 – Local Policy Summary

Policy title	Summary	Conformance with policy targets
<p>Northamptonshire Minerals and Waste Local Plan (Ref 12.1.16)</p>	<p>The Local Plan set out the planning strategy for minerals and waste related development in the county over a period of 20 years from 2011 to 2031.</p> <p>The Local Plan indicates that the main material resources present in Northamptonshire are sand and gravel, limestone and ironstone. Although supply and demand is naturally constrained by geographical imbalance, in line with national policy, the Local Plan seeks to source materials indigenously to help minimise the transportation of materials and support local markets.</p> <p>In relation to waste management, the objective of the Local Plan is to provide waste management and disposal capacity equivalent to meet the County’s own needs.</p> <p>The Local Plan is underpinned by 12 Objectives, including:</p> <ul style="list-style-type: none"> Sustainable minerals and waste development Efficient use and re-use of mineral resources Safeguarding Northamptonshire’s mineral resources and waste management network <p><u>Minerals</u></p> <p>Policy 1 of the Local Plan identifies that between the period 2011 to 2031, 10 million tonnes of sand and gravel and 7.8 million tonnes of crushed rock (limestone) will be available from the county, with additional reserves for 7 and 10 years respectively beyond 2031. Based on baseline data produced for the Local Plan, 7.63 million tonnes of sand and gravel and 0.74 million tonnes of crushed rock reserves need to be identified to meet the objectives of Policy 1. Mineral sites identified in Policy 4 and 5 of the Local Plan indicate that there is sufficient capacity within the region to meet the reserves required.</p> <p>Policy 9 specifically relates to extraction from Borrow Pits in close proximity to a major construction or engineering works. Development criteria for such activities must demonstrate that the:</p>	<p>The Proposed Scheme conforms with the Plan by identifying and promoting mitigation measures to avoid adverse impacts on amenity and the environment, including management of waste in the highest levels of the hierarchy.</p>

	<ul style="list-style-type: none"> ▪ Borrow pit is in close proximity to the construction project it is intended to supply, ▪ Use of the mineral would not constitute an inappropriate use of high quality materials, ▪ Mineral can be transported with minimal use of the public highway, ▪ Site will be satisfactorily restored either through progressive restoration or as soon as possible following cessation of the construction project it serves, and ▪ Inert waste arising or extracted from the construction project is utilised in restoration works (of the borrow pit). <p><u>Waste</u></p> <p>Baseline data produced for the Local Plan indicated that in 2016, total permitted waste management and disposal capacity within the County was 7.27Mtpa. The Local Plan identified that capacity gaps (until 2031) are present as follows:</p> <ul style="list-style-type: none"> ▪ Inert recycling 0.27 Mtpa, ▪ Hazardous recycling 0.02 Mtpa, ▪ Advanced treatment 0.27 Mtpa, ▪ Non-inert landfill 0.67-0.85 Mtpa, ▪ Inert recovery/landfill 0.13 Mtpa, and ▪ Hazardous landfill 0.006-0.02 Mtpa. <p>A number of potentially suitable site for future waste management within the County are detailed under Policy 13. The Local Plan makes repeated reference to the importance of applying and supporting the waste hierarchy.</p>	
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References

- Ref 12.1.1 European Commission (2008) Waste Framework Directive 2008/98/EC
- Ref 12.1.2 Defra (2011) Guidance on the Waste Hierarchy
- Ref 12.1.3 HM Government (2012) The Controlled Waste (England and Wales) Regulations 2012
- Ref 12.1.4 HM Government (2011) The Waste (England and Wales) Regulations 2011
- Ref 12.1.5 HM Government (2005) Clean Neighbourhoods and Environment Act 2005
- Ref 12.1.6 HM Government (2005) Hazardous Waste (England and Wales) Regulation's 2005
- Ref 12.1.7 HM Government (1998) Waste Minimisation Act 1998
- Ref 12.1.8 HM Government (1998) Waste Minimisation Act 1998
- Ref 12.1.9 HM Government (1974) The Control of Pollution Act 1974
- Ref 12.1.10 Ministry of Housing, Communities & Local Government (2019) National Planning Policy Framework
- Ref 12.1.11 Defra (2018) Our Waste, Our Resources: A Strategy for England
- Ref 12.1.12 Defra (2018) A Green Future: Our 25 Year Plan to Improve the Environment
- Ref 12.1.13 Defra (2013) Waste Management Plan for England
- Ref 12.1.14 Department for Communities and Local Government (2014) National Planning Policy for Waste
- Ref 12.1.15 Defra (2013) National Policy Statement for Hazardous Waste 2013
- Ref 12.1.16 Northamptonshire County Council (2017) Northamptonshire Minerals and Waste Local Plan