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# A83 Rest and Be Thankful

LTS EIAR VOLUME 4, APPENDIX 13.1 - MATERIAL ASSETS AND  
WASTE LEGISLATION, POLICY AND GUIDANCE

Transport Scotland

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## A13-1. Material Assets and Waste Legislation, Policy and Guidance

A13-1.1.1. Relevant international, national and local legislation, policies and guidance for the Proposed Scheme is detailed below.

### A13-1.2. International Legislation

#### [Revised EU Waste Framework Directive 2008/98/EC](#)

A13-1.2.1. Provides a comprehensive foundation for the management of waste across the European Community and gives a common definition of waste. While the UK is no longer a member of the European Union, many of the concepts underpinning the Directive are relevant to the UK's domestic law. Article 3 of the Waste Framework Directive defines waste as *“any substance or object that the holder discards or intends or is required to discard”*.

#### [Council Directive 1999/31/EC of 26 April 1999 on the Landfill of Waste \(1999\), ‘The Landfill Directive’](#)

A13-1.2.2. The Directive provides measures, procedures and guidance to reduce negative impacts from landfill. The provisions of these Directives continue to have effect as transposed into domestic law by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc\) \(EU Exit\) Regulations 2020](#).

### A13-1.3. National Legislation

#### [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020](#)

A13-1.3.1. Makes provisions and amendments to other statutory instruments relating to waste regulations to ensure that environmental permitting and waste regimes continue to operate effectively now that the UK has exited the EU.

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### Environment Act 2021

- A13-1.3.2. The Act sets out clear statutory targets for the protection and regeneration of the natural world in four priority areas, one of which is waste. Part 3 specifically refers to waste and resource efficiency, incorporating: producer responsibility obligations; resource efficiency; managing waste; and waste enforcement and regulation.

### The Environmental Protection (Duty of Care) (Scotland) Regulations 2014

- A13-1.3.3. Requires that all reasonable steps must be taken to keep waste safe. This includes a requirement for waste transfer notes to be completed by the waste transferor and transferee.

### The Waste (Scotland) Regulations 2012

- A13-1.3.4. These regulations require that any and all organisations in Scotland separate their waste for recycling.

### The Waste Management Licensing (Scotland) Regulations 2011

- A13-1.3.5. These regulations revoke, replace and consolidate the waste management licensing and exemption system currently contained in the Waste Management Licensing Regulations 1994. They also make certain changes to that system (including the introduction of new exemptions from the requirement for licensing and the adjustment of various existing exemptions) and contain provision for the purpose of implementing Directive 2008/98/EC on waste.

### The Landfill (Scotland) Regulations (as amended 2013)

- A13-1.3.6. These regulations implement the Landfill Directive and set standards for the design and operation of landfills.

### Waste and Emissions Trading Act 2003

- A13-1.3.7. The Act establishes a landfill allowance trading scheme for local authorities.

### The Special Waste Amendment (Scotland) Regulations 2004

- A13-1.3.8. Amends the Special Waste Regulations 1996 to increase the number of items that are classified as special waste. Waste with hazardous properties which may

render it harmful to human health or the environment is called special waste in Scotland. The regulations set out procedures to be followed when disposing of, carrying and receiving special waste.

#### The Waste Minimisation Act 1998

- A13-1.3.9. Enables local planning authorities to take the appropriate steps to reduce and minimise the generation of household, commercial or industrial waste within their area.

#### The Controlled Waste Regulations 1992

- A13-1.3.10. Classifies waste as household, industrial or commercial waste. It allows local authorities to implement charges for the collection of waste from non-domestic properties.

#### The Environmental Protection Act 1990

- A13-1.3.11. As of 2008, defines within England, Scotland and Wales the fundamental structure and authority for waste management and control of emissions into the environment. The Act outlines the requirement of the manager of a development to ensure that any excess materials or waste resulting from construction activities are recovered or disposed of without any subsequent adverse effects upon the surrounding environment.

#### The Control of Pollution (Amendment) Act 1989

- A13-1.3.12. The Control of Pollution (Amendment) Act 1989 makes it a criminal offence for a person who is not a registered carrier to transport controlled waste to or from any place in Great Britain. The Act also provides for the seizure and disposal of vehicles used for illegal waste disposal.

### **A13-1.4. National Policy**

#### National Planning Framework 4 (NPF4) 2023

- A13-1.4.1. Outlines Scotland's national spatial strategy, including spatial principles and priorities. Policy 12 encourages sustainable waste management and zero waste. The policy adopts waste principles which encourage, promote and facilitate

development that is consistent with the waste hierarchy. The reduction and reuse of materials in construction is prioritised, as well as infrastructure which facilitates zero waste.

#### Scotland's Zero Waste Plan 2010

- A13-1.4.2. The Zero Waste Plan is intended to create a stable framework that will provide confidence for the investment necessary to deliver a zero waste Scotland. The Plan outlines landfill bans for specific waste types and sets a target of 70% recycling and maximum 5% to landfill by 2025 for all Scotland's waste.

### **A13-1.5. Regional Policy**

#### Argyll and Bute Council Local Development Plan 2 (LDP2) 2024

- A13-1.5.1. The LDP2 was adopted on 28 February 2024, and replaces the Argyll and Bute LDP 2015 and its associated Supplementary Guidance (March 2016), and Supplementary Guidance 2 (December 2016). The Argyll and Bute LDP 2 provides the local planning framework for the Council area, excluding the Loch Lomond and The Trossachs National Park area.
- A13-1.5.2. Policies 4, 27, 62 and 63 outline specific waste criteria required to be met for a development to be permitted. Policy 63 states that development proposals shall conform with the National Zero Waste Plan for Scotland and include a Site Waste Management Plan.

#### Argyll and Bute Council Waste Strategy 2018

- A13-1.5.3. The Waste Hierarchy and Scotland's Zero Waste Plan are key objectives of Argyll and Bute Council's Waste Strategy.

#### Loch Lomond and The Trossachs National Park LDP 2017-2021

- A13-1.5.4. The LDP has been extended to 2024. Overarching policies 1 and 3, the mineral extraction policy 1, and waste management policies 1 and 2 include specific mentions of waste management criteria and principles for proposed developments to follow. An overarching principle of the LDP is to support the provision of waste

reduction and waste hierarchy principles including prevention, reuse (e.g. composting) or recycling, and support efforts to create a more circular economy.

## A13-1.6. Guidance and Standards

### [Design Manual for Roads and Bridges \(DMRB\) - LA 110 Material Assets and Waste](#)

A13-1.6.1. This DMRB LA 110 document sets out the requirements for assessing and reporting the effects on materials assets and waste from the delivery of motorway and all-purpose trunk road projects.

### [Promoting the sustainable reuse of greenfield soils in construction](#)

A13-1.6.2. This guidance document was produced by a working group set up as part of a collaboration between the Scottish Environment Protection Agency (SEPA), the Civil Engineering Contractors Association (CECA) and the Environmental Industries Commission (EIC) to promote the sustainable reuse of greenfield soils. Excess soils from development sites are generally regarded as waste and so their use or disposal requires a waste management licence or a registered exemption under the Environmental Protection Act 1990 and the Waste Management Licensing Regulations 1994 (as amended). However, in order to promote the reuse of greenfield soils, SEPA has adopted the regulatory position so that a licence or exemption will not be required for the use of such soils, only under certain circumstances which are set out within the document.

### [Transport Scotland Carbon Calculation Tool \(version 1.4\)](#)

A13-1.6.3. The Carbon Calculation Tool (Transport Scotland – not publicly available) has been used to determine conversion factors for material and waste quantities data.