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## APPENDIX 18.1 LEGISLATION, POLICY, AND GUIDANCE

### *Legislative Framework*

#### 1.1 **European Community (EC) Framework Directive for Waste 2008/98/EC (the Waste Framework Directive)**

1.1.1 The Waste Framework Directive 2008/98/EC ensures that member states to take the appropriate measures to firstly encourage the prevention or reduction of waste production, and secondly to secure the recovery of waste by means of recycling, re-use, or recovery, to extract secondary raw materials, or to make use of the waste as a source of energy. National waste management plans must be established that conform with the waste hierarchy and that such plans must protect human health and the environment.

1.1.2 In May 2018, the EU Council adopted a new waste management package which will essentially update the above Directive and sets out new rules for establishing legal binding targets for recycling, in order to work towards a circular economy. As a consequence of Brexit, the UK government has indicated that it will be adopting the revisions to the Waste Framework Directive. However, the EU (Withdrawal) Act 2018 will ensure existing EU environmental law continues to have effect in UK law after Brexit. This includes any commitments from the Circular Economy Package (CEP) in relation to waste and recycling that were part of UK legislation on 29 March 2019.

#### 1.2 **EC Landfill Directive, 1999/31/EC**

1.2.1 The Landfill Directive, 1999/31/EC has as its aim to reduce the amount of waste being landfilled to promote recovery and recycling and harmonise standards for establishing high standards of practice within the EU. This was transposed into legislation for England and Wales under several regulations including the Environmental Permitting Regulations 2010 and subsequent amendments.

1.2.2 The EC Landfill Directive (1999 Directive) aims to prevent, or reduce as far as possible, adverse effects on the environment from landfilling of waste. This would be achieved by:

- ending co-disposal of hazardous and non-hazardous waste in landfill;
- introducing rigorous technical requirements for landfill sites and waste;
- phasing in the prohibition of disposal to landfill of specific wastes (including liquid hazardous waste, other hazardous waste, whole and shredded tyres);



- obliging operators to pre-treat all hazardous waste and all other wastes; and
- the introduction of phased targets for the reduction of biodegradable waste sent to landfill, through to 2020.

### ***National Planning Policy***

#### **1.3 Future Wales: The National Plan 2040 (February 2021) - Update to Future Wales - The National Plan 2040 (gov.wales)**

1.3.1 The Future Wales: National Plan 2040 is a 20-year national development plan that has been produced by the Welsh Government that covers the whole of Wales.

1.3.2 The Plan is a national development framework, with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, development strong ecosystems and improving the health and well-being of our communities.

1.3.3 Out of the 11 outcomes set out in the National Plan, outcome 9 states ‘*A Wales where people live in places that sustainably manage their natural resources and reduce pollution*’. An aim of the outcome is to promote a circular economy.

#### **1.4 Planning Policy Wales, (Edition 11, February 2021)<sup>1</sup>**

1.4.1 The Planning Policy Wales (PPW), edition 11, was released by the Welsh Government in February 2021. The PPW sets out the land use planning policies of the Welsh Government and is supplemented by a series of Technical Advice Notes (TANs). The PPW’s primary objective is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales.

1.4.2 Included are references for the consideration of waste provisions. Paragraph 12.7.3 states: “*Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design, construction and demolition stage should be made by developers<sup>9</sup>. All opportunities should be explored to incorporate re-used or recyclable materials or products into a new building or structure.*”

1.4.3 The PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It

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<sup>1</sup> [Planning Policy Wales - Edition 11 \(gov.wales\)](https://gov.wales/planning-policy-wales-edition-11)



encourages a wider, sustainable and problem of solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation.

1.4.4 Of the planning considerations detailed in the PPW, the following have particular relevance to the development:

- Environmental consideration – will the depletion of non-renewable resources be minimised, waste prevented and the efficient and most appropriate use of materials made and re-use and recycling be promoted.
- Productive places – development should prevent problems from occurring or getting worse such as the generation of carbon emissions, poor air quality and waste and the depletion of our natural resources which will need to be managed for many years to come.
- Proximity principle – implementing the proximity principle for waste to minimise the need for road transport and its impacts and additional pressure on energy networks.
- Circular economy – drawing on the principles of the circular economy to reduce unnecessary waste and encourage high quality manufacturing and better materials choices in the built environment, including the use of durable materials in development.
- Development design – developments should adopt use of locally sourced, alternative, or recycled materials, and should be recyclable or re-usable in design.
- Waste hierarchy – waste management should be prioritised in the order of the waste hierarchy; prevention and reuse, preparation for reuse, recycling, other recovery and finally disposal.

## 1.5 **The Waste Prevention Programme for Wales, December 2013**

1.5.1 The Waste Prevention Programme (WPP) for Wales was released alongside sector plans to support the overarching TZW strategy, waste prevention is the top of the waste hierarchy, and as such the most sustainable and least environmentally impactful management technique. The WPP established waste prevention as a priority area.



- 1.5.2 The WPP describes the Welsh government’s priority sectors and work programmes to support waste prevention. The benefits of the WPP are cited as support for businesses and citizens to save money; support for people to be helped out of poverty; economic sustainability and resilience; and environmental protection.
- 1.5.3 Key measures outlined by the WPP include re-use and product life extension, eco-innovation, and construction materials life-cycle identification.
- 1.6 **Welsh Assembly Government ‘Towards Zero Waste. One Wales: One Planet’ (2010)**
- 1.6.1 Towards Zero Waste (TZW) is the overarching waste plan for Wales, first published in 2010, reviewed in 2015 and currently undergoing an update and consultation process.
- 1.6.2 TZW is a long-term high level strategic framework which describes the social, economic and environmental outcomes that resource efficiency and waste management will achieve and contribute towards a sustainable future. By 2025, the plan will work towards significantly reducing waste and will manage any waste that is produced in a way that makes the most of valuable resources. This will maximise recycling, minimise the amount of residual waste produced and landfill as close to zero waste as possible.
- 1.6.3 The waste management plan delivers ministerial priorities for:
- developing a circular economy,
  - the goals of the Wellbeing of Future Generations (Wales) Act 2015,
  - green growth,
  - resource efficiency,
  - tackling poverty, and
  - increasing resilience for the Welsh economy.
- 1.6.4 The TZW strategy sets ambitious long-term national goals for waste management and a guide to how these will be achieved. Several key challenges are identified, including sustainability, ecological footprint, climate change and resource security. TZW incorporates targets, including a 1.5 % annual waste reduction till 2025, a 2025 recycling target of 70 % rising to 90 % in the construction sector, closed loop recycling, food waste collections and market establishment. The TZW strategy enshrines in policy key principles of legislation including the waste hierarchy, consistency and closed loop recycling.



## ***Local Planning Policy***

### **1.7 Cardiff Local Development Plan 2006 - 2026 (Adopted January 2016)<sup>2</sup>**

1.7.1 On 28<sup>th</sup> January 2016, Cardiff Council adopted a Local Development Plan (LDP). A new LDP for Cardiff is being prepared to replace the existing LDP. The new plan will be called the Cardiff Replacement Local Development Plan (LDP).

1.7.2 The LDP sets out the following objectives under following 4 main headings:

- To respond to evidenced economic needs and provide the necessary infrastructure to deliver development
- To respond to evidenced social needs
- To deliver economic and social needs in a co-ordinated way that respects and enhances Cardiff's environment
- To create sustainable neighbourhoods that form part of a sustainable city

1.7.3 In relation to Materials and Waste, the policy promotes the re-use or recycling of construction and demolition material and industrial waste serves not only to reduce the amount of waste produced but also conserves scarce non-renewable natural mineral resources and minimises environmental damage.

1.7.4 The general requirement for all developments will be to provide:

- On-site waste, recycling and composting, separation and storage facilities
- Communal waste, recycling and composting separation and storage facilities for larger developments
- Access arrangements for refuse vehicles and personnel for collection purposes

## ***Guidance***

### **1.8 City of Cardiff Council Supplementary Planning Guidance 'Waste Collection and Storage Facilities' (2016)<sup>3</sup>**

1.8.1 The Supplementary Planning Guidance Note (SPG) supplements policies in the adopted Cardiff Local Development Plan (LDP) relating to the provision of waste

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<sup>2</sup> [Final Adopted Local Development Plan English.pdf \(cardiff.gov.uk\)](#)

<sup>3</sup> [https://www.cardiff.gov.uk/ENG/resident/Planning/Planning-Policy/Documents/Adopted%20October%202016%20-%20Waste%20SPG%20\(English\).pdf](https://www.cardiff.gov.uk/ENG/resident/Planning/Planning-Policy/Documents/Adopted%20October%202016%20-%20Waste%20SPG%20(English).pdf)



management facilities in new development. This SPG was approved by Council on 20<sup>th</sup> October 2016.

1.8.2 SPG helps to ensure certain policies and proposals are better understood and applied more effectively. They do not have the same status as the adopted development plan but are a material consideration in the determination of planning applications.

#### 1.9 **Technical Advice Note 21: Waste, February 2014**

1.9.1 This TAN provides advice on how the land use planning system should contribute towards sustainable waste management and resource efficiency. The TAN sets a framework for facilitating the delivery of sustainable waste management infrastructure through the planning process. The TAN provides guidance on sustainable waste management, reinforcing principles from the PPW, including the waste hierarchy, environmental impact of waste management activities, and use of waste as a resource.

1.9.2 Paragraph 2.1 of the TAN states: *“When considering development proposals for all types of waste management facilities, planning authorities should take into account their potential contribution to the objectives, principles and strategic waste assessments set out in Towards Zero Waste and the relevant waste sector plans and the relevant development plan for the area.”*

#### 1.10 **IEMA ‘Materials and Waste in Environmental Impact Assessment – Guidance for a proportionate approach’ (2020)**

1.10.1 The key themes of the IEMA Guidance that will be core to driving the development of the Materials and Waste Assessment are:

- Material consumption, and the generation and disposal of waste, result in adverse environmental effects.
- Where materials are consumed, and waste is generated, it is acknowledged that – depending on how they are managed – indirect adverse effects may arise (from haulage, noise, dust, nuisance, vehicle emissions and water pollution), which will be discussed collaboratively with the wider EIA disciplines.
- Take responsibility for inspiring and incentivising the production and refinement of materials and waste data and information, from the earliest planning and design lifecycle stages, through detailed design, procurement, construction,



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operation (including maintenance and refurbishment) and – where practicable and proportionate – end of life.

- Whilst understanding full lifecycle sustainable resource management is an important part of reducing adverse environmental impacts, in practice, data availability may restrict a consideration of end-of-life impacts and, hence, practitioners may – to follow a proportionate approach – need to focus on the construction and operational phases.
- Seek to deliver outcomes that align with the highest tiers of the Waste Hierarchy, and the Proximity Principle, and should be used to encourage and evidence transitions towards a Circular Economy.