

Executive Note

The National Waste Management Plan for Scotland Regulations 2007 SSI/2007/251

The above instrument is made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to affirmative resolution procedure.

Policy Objectives

The instrument has two purposes:

- **National Waste Management Plan.** Article 7 of the codified Waste Framework Directive (2006/12/EC) requires member states to have one or more waste management plans. Section 44B of the Environmental Protection Act 1990 currently makes provision for the Scottish Environment Protection Agency to prepare a National Waste Strategy. This instrument repeals that requirement and places a duty on the Scottish Ministers to have a national waste management plan.
- **Public participation.** The Public Participation Directive (2003/35/EC) requires public participation in respect of the drawing up of certain plans and programmes relating to the environment. This instrument makes provision for public participation in relation to the national waste management plan, unless the plan (or any part of such a plan) is designed for the sole purpose of serving national defence, has been prepared for civil emergencies, or is subject to the public participation procedures of the Environmental Assessment (Scotland) Act 2005.

These regulations remove the duty to prepare the National Waste Strategy from the Scottish Environment Protection Agency, and give the Scottish Ministers the duty to have a national waste management plan. Existing policy documents, such as the National Waste Plan, will continue to be in place until they are modified or replaced by the Scottish Ministers. The Scottish Ministers consider it appropriate that the policy lead in relation to waste strategy should lie with Ministers, who are answerable to Parliament. SEPA will continue to provide Ministers with technical support in areas such as waste data and Life Cycle Analysis.

A transposition note, outlining the provisions of EU Directives being implemented by these regulations, is attached.

Consultation

The following bodies have been consulted on these regulations.

British Glass
Chartered Institution of Wastes Management
Community Recycling Network for Scotland
Confederation of British Industries
Confederation of Scottish Local Authorities

Environment Link
Federation of Small Businesses Scotland
Planning Exchange
Remade Scotland
Royal Town Planning Institute
Society of Directors of Planning
Scottish Environment Protection Agency
Scottish Environmental Services Association
Scottish Waste Awareness Group
Waste and Resources Action Programme

23 responses were received to the consultation. The non-confidential responses are being placed in the Scottish Executive's public library.

Financial Effects

The instrument has no financial implications for local government, the voluntary sector or business.

SEPA currently have a team dealing with Waste Strategy matters. There is a continued requirement for SEPA advice and support to the Scottish Executive in relation to the waste management plan for Scotland.

There should be no impact on the Scottish Executive as there are already teams in place in the Executive dealing with waste regulation, strategy and delivery.

Environment and Rural Affairs Department
Scottish Executive
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