

# LOCAL GOVERNMENT IN SCOTLAND ACT 2003

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## EXPLANATORY NOTES

### THE ACT – SECTION BY SECTION

#### Part 6 – Waste Management

##### *Section 34 – Integrated waste management plans*

91. Section 34 inserts several new sections after section 44 of the [Environmental Protection Act 1990 \(c.43\)](#). References to section numbers below are to the new sections of the 1990 Act.

##### **44ZA - Duty to prepare integrated waste management plan**

92. This section outlines the duty of the local authorities to prepare an integrated waste management plan and submit it to the Scottish Ministers for approval. It describes the role of the integrated waste management plans, and gives the Scottish Ministers the power to issue directions as to their content, including the setting of performance targets and the requirement to set out plans for co-operation with other local authorities. The Scottish Ministers are given the power to direct the timescale by which the integrated waste management plans have to be prepared and submitted and the period they will cover. Local authorities, when preparing the integrated waste management plan, will have regard to such matters as the Scottish Ministers may direct. National Waste Strategy in this context incorporates associated documents such as Area Waste Plans and National Waste Plans.

##### **44ZB – Approval of integrated waste management plan**

93. This section sets out the procedures for the approval of integrated waste management plans by the Scottish Ministers. When approval is not given to a plan the Scottish Ministers shall notify the local authority in writing and request them to outline and submit a new plan. The Scottish Ministers may also make modifications to the submitted plans and provide written approval and copies of any approved plan and send a copy to SEPA. The local authority shall make arrangements to allow any person to inspect their integrated waste management plan or request copies of it.

##### **44ZC – Implementation of integrated waste management plan**

94. This section gives local authorities the duty to endeavour to carry out their waste management functions in accordance with its approved integrated waste management plan, and if requested to do so by the Scottish Ministers, to provide a statement of whether they are doing so. The Scottish Ministers are given the power to direct local authorities as to the information to be provided in that statement, and in particular on progress towards meeting performance targets. The Scottish Ministers may also require explanations as to why performance targets have not been met.

**44ZD – Modification of integrated waste management plan**

95. This section sets out provisions for modifications to integrated waste management plans. Modifications can be proposed by the local authority, or required by the Scottish Ministers. The provisions of section 44ZA to 44ZD apply to modified plans as they do to the original plan prepared under section 44AZ(1).