

SCHEDULE 4

WASTE FRAMEWORK DIRECTIVE

PART 1

GENERAL

Interpretation of Schedule 4

1. In this Schedule—

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997⁽¹⁾;

“best available techniques” has the same meaning as in Article 2(12) of Directive 2008/1/EC concerning integrated pollution prevention and control⁽²⁾;

“collection” means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

“competent authority” has the meaning given in paragraph 5;

“development”, “development plan” and “planning permission” have the same meanings as in the 1997 Act;

“permit” means—

- (a) a waste management licence;
- (b) a disposal licence;
- (c) an authorisation under Part I of the 1990 Act;
- (d) a permit under the 2000 Regulations;
- (e) a licence under Part II of the Food and Environment Protection Act 1985;
- (f) an authorisation under the 2005 Regulations or the 2011 Regulations; or
- (g) a licence under Part 4 of the Marine (Scotland) Act 2010,

and, in relation to a permit, “grant” includes give, issue or pass, “modify” includes vary, and cognate expressions shall be construed accordingly;

“plan-making provisions” means Parts IA and II of the 1997 Act and the National Waste Management Plan for Scotland Regulations 2007⁽³⁾;

“planning authority” means the local authority, a person appointed by the local authority for the purposes of section 43A of the 1997 Act, a person appointed under paragraph 1 of Schedule 4 to that Act, and the Scottish Ministers in respect of their functions under that Act;

“pollution control authority” means any competent authority other than a planning authority;

“preparing for re-use” means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any further pre-processing; and “preparation for re-use” shall be construed accordingly;

(1) 1997 c.8, as relevantly amended by the 2003 Act Part 1 Chapter 3 section 24(2); the Planning and Compulsory Purchase Act 2004 (c.5) Schedule 7 paragraph 20(2); the Planning etc. (Scotland) Act 2006 (asp 17) Part 1 section 1, Part 2 section 2 and Part 3 sections 3(1), 17, 19(1) and 22(3); S.S.I. 1999/1 Part II (11) section 47(1); the Transport and Works (Scotland) Act 2007 (asp 8) Part 1 section 15(1); S.S.I. 2003/341 regulations 2 and 5; S.S.I. 2006/243 article 4(5) and (12)(b) and S.S.I. 2007/268 articles 8(2) and 14.

(2) O.J. L 24, 29.1.2008, p.8.

(3) S.S.I. 2007/251.

“re-use” means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

“specified action” means any of the following—

- (a) determining—
 - (i) an application for planning permission; or
 - (ii) an appeal made under section 47 of the 1997 Act in respect of such an application;
- (b) deciding whether to take any action under section 92(2)(a) or (b) or (3) of the 1997 Act;
- (c) deciding whether to direct under section 31(5) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(4) or section 57(1), (2) or (2A) of the 1997 Act that planning permission shall be granted or deemed to be granted;
- (d) deciding whether—
 - (i) in making or confirming a discontinuance order, to include in the order any grant of planning permission; or
 - (ii) to confirm (with or without modifications) a discontinuance order insofar as it grants planning permission,

and, for the purposes of this sub-paragraph, “discontinuance order” means an order under section 71 of, or paragraph 1 of Schedule 8 to, the 1997 Act (including an order made under that section by virtue of section 73 of, or paragraph 12 of Schedule 8 to that Act);

- (e) discharging functions under Part II of the 1997 Act;

“specified functions” has the meaning given by paragraph 5;

“waste management” means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker, and cognate expressions shall be construed accordingly;

“waste prevention” means measures taken before a substance, material or product becomes waste that reduce—

- (a) the quantity of waste, including through the re-use of products or the extension of the life span of products;
- (b) the adverse impacts of the generated waste on the environment or human health; or
- (c) the content of harmful substances in materials or products.

(4) 1997 c.9, to which there are amendments not relevant to these Regulations.