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DRAFT STATUTORY INSTRUMENTS

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**2011 No.**

**The Waste (England and Wales) Regulations 2011**

**PART 3**

**Waste management plans**

**Requirement for waste management plans**

7.—(1) The appropriate authority must ensure that there are one or more plans containing policies in relation to waste management in England or Wales, as the case may be (each a “waste management plan”).

(2) A waste management plan may form part of a document and, where this is the case, any requirement of law in relation to the plan applies only to that part.

(3) In this Part—

- (a) “England” includes the sea adjacent to England out as far as the seaward boundary of the territorial sea;
- (b) “Wales” includes the sea adjacent to Wales out as far as the seaward boundary of the territorial sea;
- (c) the sea adjacent to England is so much of the sea adjacent to Great Britain as is not the sea adjacent to Wales or the sea adjacent to Scotland;
- (d) the sea adjacent to Wales has the same meaning as it has by virtue of section 158(3) or (4) of the Government of Wales Act 2006(1); and
- (e) the sea adjacent to Scotland has the same meaning as the internal waters and territorial sea of the United Kingdom adjacent to Scotland by virtue of section 126(2) of the Scotland Act 1998(2).

**Content of waste management plans**

8.—(1) The appropriate authority must ensure that the waste management plans (taken together) cover the whole of England or Wales, as the case may be.

(2) The appropriate authority must ensure that the waste management plans (taken together)—

- (a) include a statement of the authority’s policies for attaining the objectives specified in Part 1 of Schedule 1; and
- (b) include the matters set out in Part 2 of Schedule 1.

(3) The appropriate authority must consider, in particular, whether the matters set out in Part 3 of Schedule 1 should be included in the waste management plans.

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(1) [2006 c.32](#). The boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 and Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)). By virtue of section 162 of and paragraph 26 of Schedule 11 to the 2006 Act, [S.I. 1999/672](#) continues to have effect.

(2) [1998 c.46](#). The boundaries between waters which are to be treated as internal waters or territorial sea of the United Kingdom adjacent to Scotland and those which are not are set out in the Scottish Adjacent Water Boundaries Order 1999 ([S.I. 1999/1126](#)).

- (4) An appropriate authority must ensure that the waste management plans conform to the strategy for the reduction of biodegradable waste going to landfill—
- (a) in relation to England, required by section 17(1) of the Waste and Emissions Trading Act 2003<sup>(3)</sup>;
  - (b) in relation to Wales, required by section 19(1) of that Act.
- (5) A statement of policy made before the coming into force of these Regulations may be, or form part of, a waste management plan.

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(3) 2003 c.33.