

2011 No. 988

**ENVIRONMENTAL PROTECTION, ENGLAND AND
WALES**

The Waste (England and Wales) Regulations 2011

Made - - - - - *28th March 2011*

Coming into force in accordance with regulation 1

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(4) This regulation does not apply to a national waste management plan containing only provision relating to paragraph 8, 9, 10 or 11 of Schedule 1.

(5) Steps taken before the coming into force of these Regulations in relation to a waste prevention programme or national waste management plan may be steps for the purposes of this regulation.

Public participation in programmes and plans

11.—(1) Part 4 of Schedule 1 (public participation in the preparation or modification of a waste prevention programme or national waste management plan) has effect, but does not apply to a programme or plan—

- (a) designed for the sole purpose of serving national defence or taken in case of civil emergencies;
- (b) for which a public participation procedure is carried out under—
 - (i) Part 3 of the Environmental Assessment of Plans and Programmes Regulations 2004(a), or
 - (ii) Part 3 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004(b); or
- (c) containing only provision relating to paragraph 8, 9, 10 or 11 of Schedule 1.

(2) The appropriate authority must ensure that waste prevention programmes and national waste management plans are available on a publicly available website.

(3) Steps taken before the coming into force of these Regulations in relation to a waste prevention programme or national waste management plan may be steps for the purposes of Part 4 of Schedule 1.

PART 5

Duties in relation to waste management and improved use of waste as a resource

Duty in relation to the waste hierarchy

12.—(1) An establishment or undertaking which imports, produces, collects, transports, recovers or disposes of waste, or which as a dealer or broker has control of waste must, on the transfer of waste, take all such measures available to it as are reasonable in the circumstances to apply the following waste hierarchy as a priority order—

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery (for example energy recovery);
- (e) disposal.

(2) But an establishment or undertaking may depart from the priority order in paragraph (1) so as to achieve the best overall environmental outcome where this is justified by life-cycle thinking on the overall impacts of the generation and management of the waste.

(3) When considering the overall impacts mentioned in paragraph (2), the following considerations must be taken into account—

- (a) the general environmental protection principles of precaution and sustainability;
- (b) technical feasibility and economic viability;

(a) S.I. 2004/1633.

(b) S.I. 2004/1656 (W. 170).

- (c) protection of resources;
- (d) the overall environmental, human health, economic and social impacts.

Duties in relation to collection of waste

13.—(1) An establishment or undertaking which collects waste paper, metal, plastic or glass must, from 1st January 2015, take all such measures to ensure separate collection of that waste as are available to the establishment or undertaking in that capacity and are—

- (a) technically, environmentally and economically practicable; and
- (b) appropriate to meet the necessary quality standards for the relevant recycling sectors.

(2) For the avoidance of doubt, co-mingled collection (being the collection together with each other but separately from other waste of waste streams intended for recycling with a view to subsequent separation by type and nature) is a form of separate collection.

(3) Every waste collection authority must, when making arrangements for the collection of waste paper, metal, plastic or glass, ensure that those arrangements are by way of separate collection.

Duty in relation to collected waste

14.—(1) An establishment or undertaking which collects, transports or receives waste paper, metal, plastic or glass must, from 1st January 2015, take all such measures available to it in that capacity as are reasonable in the circumstances to ensure that where that waste has been separately collected it is not mixed with other waste or other material with different properties.

(2) This duty applies only where keeping waste separate facilitates or improves recovery.

Guidance

15.—(1) The appropriate authority may give guidance on the discharge of the duties in regulations 12 to 14.

(2) An establishment or undertaking discharging any of the duties in regulations 12 to 14 must, in doing so, have regard to any such guidance.

PART 6

Duties of planning authorities

General interpretation

16.—(1) In this Part—

“the 1990 Act” means the Town and Country Planning Act 1990(a);

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004(b);

“the 2008 Act” means the Planning Act 2008(c);

“local planning authority” has the same meaning as in 1990 Act;

“mineral planning authority” has the same meaning as in section 1 of the 1990 Act(d);

“planning permission” has the meaning given in section 336 of the 1990 Act(e).

(a) 1990 c. 8.

(b) 2004 c. 5.

(c) 2008 c. 29.

(d) Section 1 was amended by the Local Government (Wales) Act (c. 19), section 18(3) and (4).

(e) The definition of “planning permission” in section 336 was amended by the Planning and Compensation Act 1991 (c. 34), sections 32 and 84(6) and Schedules 7 and 19.

26th March 2011

Henley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulations 5, 8 and 11

Waste prevention programmes and waste management plans

PART 1

Objectives

Overall objective

1. To protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

Application of the waste hierarchy

2.—(1) To apply the following waste hierarchy as a priority order in waste prevention and management policy—

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery (for example energy recovery);
- (e) disposal.

(2) When applying the waste hierarchy in sub-paragraph (1), the appropriate authority must ensure that it—

- (a) encourages the options that deliver the best overall environmental outcome, which may require specific waste streams to depart from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste;
- (b) takes into account—
 - (i) the general environmental protection principles of precaution and sustainability,
 - (ii) technical feasibility and economic viability,
 - (iii) protection of resources, and
 - (iv) the overall environmental, human health, economic and social impacts.

Protection of human health and the environment

3. To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—

- (a) without risk to water, air, soil, plants or animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.