

Appendix 17.2 Legislation and Policy

Name	Summary
Directives/legislation	
The Revised EU Waste Framework Directive 2008/98/EC ¹	The Directive provides a comprehensive foundation for the management of waste across the European Community and provides a common definition of waste. A definition of waste is provided in the predecessor to this Directive (European Directive 2006/12/EC) which defines waste as: “any substance or object that the holder discards, or intends or is required to discard”.
The Control of Pollution Act 1974 ²	The Act makes provisions with respect to the generation and revision of ‘waste disposal plans’ and prohibits the unlicensed disposal of waste.
The Control of Pollution (Amendment) Act 1989 ³	The Control of Pollution (Amendment) Act 1989 makes it a criminal offence for a person who is not a registered carrier to transport controlled waste to or from any place in Great Britain. The Act also provides for the seizure and disposal of vehicles used for illegal waste disposal.
The Environmental Protection Act 1990 ⁴	The Environmental Protection Act 1990 is an Act of the Parliament of the United Kingdom that, as of 2008, defines, within England and Wales and Scotland, the fundamental structure and authority for waste management and control of emissions into the environment. The Act outlines the requirement of the manager of a development to ensure that any excess materials or waste as a result of construction activities are recovered or disposed of without any subsequent adverse effects upon the surrounding environment.
The Waste Minimisation Act 1998 ⁵	The Waste Minimisation Act 1998 enables local planning authorities to take the appropriate steps to reduce and minimise the generation of household, commercial or industrial waste within their area.
The Clean Neighbourhoods and Environment Act 2005 ⁶	The Clean Neighbourhoods and Environment Act 2005 is an Act of the Parliament of the United Kingdom. The Act implements proposals contained in the Clean Neighbourhoods consultation launched on 25 July 2004. The Act states that it is the responsibility of construction workers on site to guarantee that waste is disposed in the appropriate manner. In accordance with this requirement, employees must undertake waste disposal activities as outlined in national law.
The Hazardous Waste (England and Wales) Regulations 2005 ⁷	The Hazardous Waste (England and Wales) Regulations 2005 introduce measures to control storage, transport and disposal of hazardous waste. The Regulations provide a means to ensure that hazardous waste and any associated risks are appropriately managed.
The Waste (England and Wales) Regulations 2011 (as amended) ⁸	The Waste (England and Wales) (Amendment) Regulations 2014 amend the Waste (England and Wales) Regulations SI 2011/988 in order to clarify that the transfer of controlled waste can be recorded on alternative documentation, such as invoices, instead of waste transfer notes.
The Controlled Waste (England and Wales) Regulations 2012 (as amended) ⁹	The Controlled Waste (England and Wales) Regulations 2012 provide a definition of controlled waste and classifies waste as household, industrial or commercial waste. It allows Local Authorities to implement charges for the collection of waste from non-domestic properties.
The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc)	These regulations make provisions and amendments to the UK Environmental Protection Act and waste regulations to ensure that environmental permitting and waste regimes continue to operate effectively during the EU exit transition period.

¹ European Commission (2008) The Waste Framework Directive (2008/98/EC) [<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0098&from=EN>]

² HM Government (1974) The Control of Pollution Act 1974 [<https://www.legislation.gov.uk/ukpga/1974/40/data.pdf>]

³ HM Government (1989) The Control of Pollution (Amendment) Act 1989 [<https://www.legislation.gov.uk/ukpga/1989/14/contents>]

⁴ HM Government (1990) The Environmental Protection Act 1990 [<https://www.legislation.gov.uk/ukpga/1990/43/data.pdf>]

⁵ HM Government (1998) Waste Minimisation Act 1998 [<https://www.legislation.gov.uk/ukpga/1998/44/data.pdf>]

⁶ HM Government (2005) The Clean Neighbourhoods and Environment Act 2005

[http://www.legislation.gov.uk/ukpga/2005/15/pdfs/ukpga_20050016_en.pdf]

⁷ HM Government (2005) Hazardous Waste (England and Wales) Regulations 2005

[<https://www.legislation.gov.uk/uksi/2005/834/made/data.pdf>]

⁸ HM Government (2011) The Waste (England and Wales) Regulations 2011 [<http://www.legislation.gov.uk/uksi/2011/988/made>]

⁹ HM Government (2012) The Controlled Waste (England and Wales) Regulations 2012

[http://www.legislation.gov.uk/uksi/2012/811/pdfs/uksi_20120811_en.pdf]

Name	Summary
(EU Exit) Regulations 2020 ¹⁰	
National Policy	
National Policy Statement for National Networks ¹¹	The National Networks National Policy Statement requires applicants to conduct assessments to set out arrangements for managing any waste produced, and include details relating to proposed waste recovery and disposal system for all waste generated by the development. It requires developments to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that the alternative is the best overall environmental outcome.
National Planning Policy Framework ¹²	The National Planning Policy Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It requires the planning system to contribute and enhance the natural and local environment by “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”.
Waste Management Plan for England ¹³	This Policy document provides a detailed analysis of the present state of waste management at the national level, and assesses how the objectives of the Waste Framework Directive will be effectively supported. It outlines the Waste Hierarchy, which gives top priority to waste prevention, followed by preparing for reuse, recycling, other types of recovery and finally disposal (e.g. landfill).
National Policy Statement for Hazardous Waste ¹⁴	This Policy document outlines the Government’s main objectives for hazardous waste and the key principles for management of hazardous waste.
National Planning Policy for Waste ¹⁵	The National Planning Policy for Waste outlines the Government’s ambition to promote a sustainable approach to resource use and management. It sets out waste planning policies and should be read alongside: the National Planning Policy Framework; the National Waste Management Plan for England and any relevant successor policies, guidance or documents.
Our Waste, Our Resources: A Strategy for England ¹⁶	This Strategy sets out how the Government will preserve stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. The strategy also outlines the Government’s aims to minimise the damage caused to the natural environment by reducing and managing waste safely and carefully, and by tackling waste crime. It combines actions to take now with firm commitments for the coming years and gives a clear longer-term policy direction in line with the 25 Year Environment Plan.
Local Policy	
West Sussex Joint Minerals Local Plan (JMLP) (2018) ¹⁷	West Sussex County Council and the South Downs National Park Authority worked in partnership to produce the JMLP, which was formally adopted by both authorities in July 2018. Formal revisions were adopted in March 2021, following a Soft Sand Review of the plan. The plan covers the period up to 2033 and details strategic objectives for sustainable minerals development through specific policies.
West Sussex Waste Local Plan (WLP) (2014) ¹⁸	West Sussex County Council and the South Downs National Park Authority worked in partnership to produce the WLP, which was formally adopted by both authorities in April 2014.

¹⁰ HM Government (2020) The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 [<https://www.legislation.gov.uk/uksl/2020/3540/made>]

¹¹ Department for Transport, National Policy Statement for National Networks (2014)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/387222/npsnn-print.pdf]

¹² Ministry of Housing, Communities and Local Government, National Planning Policy Framework (2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf]

¹³ DEFRA (2021) Waste Management Plan for England [<https://www.gov.uk/government/publications/waste-management-plan-for-england-2021>]

¹⁴ DEFRA (2013) National Policy Statement for Hazardous Waste [<https://www.gov.uk/government/publications/hazardous-waste-national-policy-statement>]

¹⁵ DCLG (2014) National Planning Policy for Waste

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf]

¹⁶ DEFRA, Our Waste, Our Resources: A Strategy for England (2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf]

¹⁷ West Sussex Joint Minerals Local Plan July 2018 [https://www.westsussex.gov.uk/media/11736/min_adoption.pdf]

¹⁸ West Sussex Waste Local Plan July 2018 [https://www.westsussex.gov.uk/media/3241/waste_local_plan_april2014.pdf]

Name	Summary
	The plan covers the period up to 2031 and is the most up-to-date statement of land use planning policy for waste: it details a vision and strategic objectives for sustainable waste management. Policies 1 - 9 aim to achieve strategic objectives for the management of different types of waste. Policy 10 is the allocation of 6 sites to help meet the need for new waste facilities. Policies 11 – 23 are development management policies to ensure no unacceptable harm to the environment, economy or communities of West Sussex.
Arun Local Plan 2011-2031 (Adopted July 2018) ¹⁹	The Plan sets out a spatial vision, objectives, and a sustainable strategy for delivering growth over the plan period and is used to guide decisions on planning, development and regeneration activity. The Plan replaces the Arun Local Plan 2003 and the saved policies within it. The Plan includes Development Plan Documents and Policy Maps with specific sections on Natural Resources & Mineral Safeguarding and Waste Management.
Arun Design Guide Supplementary Planning Document (2021) ²⁰	Arun's Design Guide describes a range of measures to protect natural and other resources, to drive sustainable outcomes through planning. Policy E.01 Using the Site's Features & Natural Resources references the need to "create a place that is experienced as part of the local area, responding to and enhancing the features and natural resources of the site." Policy K.02 Water & Material Management sets out the need to "reduce, re-use and recover materials and protect the District's water resources"

¹⁹ Adopted Arun Local Plan 2018 [<https://www.arun.gov.uk/adopted-local-plan/>]

²⁰ Arun District Design Guide Supplementary Planning Document 2021 [[Arun District Design Guide Supplementary Planning Document consultations | latest news | Arun District Council](#)]

