



# **Lime Down**

## Solar Park

# **Environmental Statement**

## **Volume 3, Appendix 20-2: Materials and Waste Legislation, Policy and Guidance**

**September 2025**

**Planning Inspectorate Reference: EN010168**

**Document Reference: APP/6.3**

**APFP Regulation 5(2)(a)**



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## **Appendix 20-2: Materials and Waste Legislation, Policy, and Guidance**

### **1.1 Introduction**

- 1.1.1 A summary of applicable legislation, policy and other guidance documents of relevance to the assessment of Materials and Waste within **ES Volume 1, Chapter 20: Other Environmental Matters [EN010168/APP/6.1]** is provided below.

### **1.2 Legislation**

#### **The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)**

- 1.2.1 Regulation 5(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Ref 1) requires that the EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the likely significant direct and indirect effects of the Scheme on material assets. Regulation 8(1)(d) of the Regulations require that the EIA must describe any likely significant effects of the development on the environment resulting from the expected residues and emissions and the production of waste.

#### **Waste Framework Directive 2008 (2008/98/EC)**

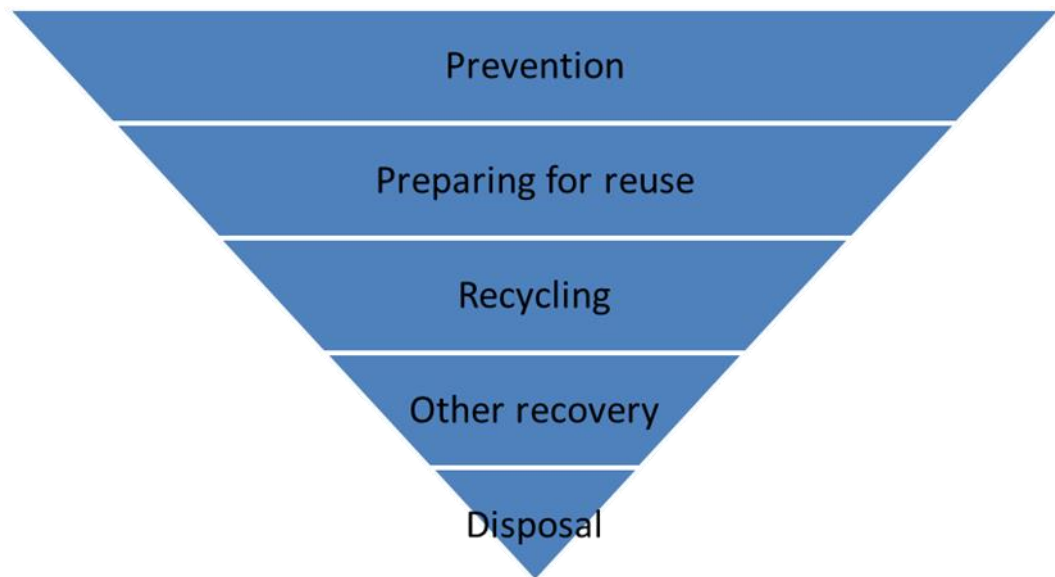
- 1.2.2 The Waste Framework Directive (Ref 2) establishes the wider regulatory context for waste management across Europe. In addition to defining waste, it also introduces the concept of the waste hierarchy and establishes landfill diversion targets for Member States. The requirements of the Waste Framework Directive are transposed into applicable national law through the Waste (England and Wales) Regulations 2011 (Ref 3) as amended and The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019 (Ref 4).

#### **The Waste (England and Wales) Regulations 2011 and 2019**

- 1.2.3 The Waste (England and Wales) Regulations 2011 (Ref 3) transposes the requirements of the Waste Framework Directive in England and Wales and requires the Secretary of State (SoS) to establish waste prevention programmes and waste management plans that apply the waste hierarchy (as defined in the Waste Framework Directive). The waste hierarchy prioritises waste prevention, followed by preparing for reuse, recycling, recovery and finally disposal to the management of waste. The Regulations require businesses to apply the waste hierarchy, as shown below in Plate 1, when managing waste, and also require that measures

are taken to ensure that, by the year 2020, at least 70% by weight of non-hazardous Construction and Demolition (C&D) waste is subjected to material recovery.

- 1.2.4 The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019 (Ref 4) directly amend the Waste (England and Wales) Regulations 2011 to ensure the regulations remain functional and legally coherent independent of EU law.



**Plate 1: The Waste Hierarchy (Ref 3)**

**The Environmental Permitting (England and Wales) Regulations 2016**

- 1.2.5 The Environmental Permitting (England and Wales) Regulations 2016 (Ref 5) require sites where waste is processed, treated or disposed of to hold a valid Environmental Permit issued by the Environment Agency (EA). The Regulations also include a schedule of activities that are exempt from the requirements of permitting. However, to comply with the Regulations, an exempt activity must generally be registered with the Environment Agency before commencing.

**Environmental Protection Act 1990**

- 1.2.6 The duty of care for waste management is set out under Section 34 of the Environmental Protection Act 1990 (Ref 6) and the Waste (England and Wales) Regulations 2011 (as amended) (Ref 3). It requires anyone who produces, imports, keeps, stores, transports, treats or disposes of waste to take all reasonable steps to ensure that waste is managed properly and places a duty on producers and holders of waste to:

- Prevent illegal disposal, treatment or storage of waste;

- Handle their waste safely;
- Know whether the waste is hazardous or non-hazardous;
- Store waste securely in a manner that prevents release of the waste;
- Provide an accurate written description of the waste in order to facilitate the compliance of others with the Duty and avoidance of the offences under Section 33 of the Environmental Protection Act 1990: via a compulsory system of Controlled Waste Transfer Notes (WTNs) which controls the transfer of waste between parties; and
- Ensure anyone dealing with their waste has the necessary authorisation.

### **Environment Act 2021**

1.2.7 The Environment Act 2021 (Ref 7) makes provision about targets, plans and policies for improving target areas within the natural environment. Part 3 of the Act outlines the priority for waste reduction and resource efficiency. The Act will deliver:

- An extension of producer responsibility to make producers pay for 100% of the cost of disposal of products, starting with plastic packaging;
- A Deposit Return Scheme for single use drinks containers;
- Charges for single use plastics;
- Greater consistency in recycling collections in England;
- Electronic waste tracking to monitor waste movements and tackle fly-tipping;
- Further tackling of waste crime;
- The power to introduce new resource efficiency information (labelling on the recyclability and durability of products);
- The regulation of the shipment of hazardous waste; and
- A ban or export restriction of waste to non-Organisation for Economic Co-operation and Development (OECD) countries.

### **The Hazardous Waste Regulations (England and Wales) 2005**

1.2.8 The Hazardous Waste Regulations (England and Wales) 2005 (as amended) (Ref 8) places a requirement on producers of the waste to:

- Classify the waste;
- Separate hazardous waste from other general waste streams;
- Use authorised businesses to collect, recycle or dispose of waste; and
- Complete relevant hazardous waste consignment notes.

### **The Waste Electrical and Electronic Equipment (WEEE) Regulations**

- 1.2.9 The WEEE Regulations 2013 (as amended) (Ref 9) aim to reduce the environmental impact of electrical and electronic waste. They require producers to finance the collection, treatment, and recycling of such waste, ensuring that hazardous substances are managed safely. The regulations also set targets for the recovery and recycling of materials, promoting a circular economy by encouraging the reuse of valuable resources.

### **The Waste Batteries and Accumulators (Amendment) Regulations 2009**

- 1.2.10 The Waste Batteries and Accumulators Regulations 2009 (Ref 10) set out comprehensive requirements for the collection, treatment, recycling, and disposal of all battery types in the UK. Key aims include reducing the environmental impact of batteries by ensuring their proper disposal and recycling and meeting specific collection targets: 25% by 2012 and 45% by 2016. The regulations mandate that producers finance the collection and recycling processes, and they establish obligations for battery compliance schemes, distributors, and other economic operators to facilitate the safe and efficient handling of waste batteries.

## **1.3 National Planning Policy**

### **National Policy Statements**

- 1.3.1 The relevant National Policy Statement (NPS) requirements to the Scheme are provided below.
- 1.3.2 EN-1 is of relevance to the materials and waste assessment. It outlines the requirements for an applicant's materials and waste assessment which includes the following (refer to Section 5.15 of EN-1: Resource and Waste Management) (Ref 11):
- Paragraph 5.15.6: *“Applicants must demonstrate that development proposals are in line with Defra’s policy position on the role of energy from waste in treating municipal waste”;*

- Paragraph 5.15.7: *“The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW or similar processes for the treatment of residual waste at a national or local level”*;
- Paragraph 5.15.8: *“The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste and use of resources throughout any relevant demolition, excavation, and construction activities”*;
- Paragraph 5.15.9: *“The arrangements described and a report setting out the sustainable management of waste and use of resources should include information on how re-use and recycling will be maximised in addition to the proposed waste recovery and disposal system for all waste generated by the development. They should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation”*;
- Paragraph 5.15.12: *“The UK is committed to moving towards a more ‘circular economy’. Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources, and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible”*; and
- Paragraph 5.15.13: *“Applicants are encouraged to use construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, for example, from damage or vandalism. The use of Building Information Management tools (or similar) to record the materials used in construction can help to reduce waste in future decommissioning of facilities, by identifying materials that can be recycled or reused”*.

1.3.3 NPS EN-3 and EN-5 do not contain specific requirements relevant to the Materials and Waste assessment for this Scheme.

### **National Planning Policy Framework (NPPF) 2025**

1.3.4 The NPPF (Ref 12) does not contain specific waste policies as these are detailed within the National Planning Policy Guidance for Waste (Ref 13) and Waste Management Plan for England (Ref 14), however, the overarching policies are relevant to materials and waste:

- Paragraph 8c: There is an emphasis to minimise waste, to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources

prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- Section 17: Facilitating the sustainable use of minerals. Paragraph 223. Planning policies should: b) *“so far as practicable, take account of the contribution that substitute, or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously”*.

### **The Waste Management Plan for England 2021**

- 1.3.5 The Waste Management Plan for England 2021 (Ref 14) provides an overview of waste management in England and reiterates the requirement for all waste producers and waste management providers to implement the waste hierarchy. It also highlights the need for waste to be managed using the proximity principle and confirms England’s commitment to recovering at least 70% by weight of non-hazardous C&D waste by 2020 (excluding soils and stones). Recovery is assumed in the context of this policy to include reuse, recycling and incineration with energy recovery.

### **A Green Future: Our 25 Year Plan to Improve the Environment 2018**

- 1.3.6 The Government’s 25 Year Plan to Improve the Environment (Ref 15) *“sets out goals for improving the environment within a generation and leaving it in a better state than we found it”*. It details how the Government will work with communities and businesses to do this. The following policies are relevant:
- Make sure that resources are used more efficiently and kept in use for longer to minimise waste and reduce its environmental impacts by promoting reuse, remanufacturing and recycling;
  - Work towards eliminating all avoidable waste by 2050 and all avoidable plastic waste by end of 2042;
  - Reducing food supply chain emissions and waste;
  - Reducing litter and littering; and
  - Improving management of residual waste.

### **Our Waste, Our Resources: A Strategy for England (Resources and Waste Strategy for England) 2018**

- 1.3.7 The Strategy (Ref 16) will help the Government to meet the commitments outlined in the 25 Year Plan and *“sets out how we will preserve our stock of material resources by minimising waste, promoting resource efficiency*



*and moving towards a circular economy. At the same time, we will minimise the damage caused to our natural environment by reducing and managing waste safely and carefully, and by tackling waste crime.”* The strategy combines actions to be taken now and commitments for the coming years. Key targets and milestones and targets, which could be relevant to the Scheme, include:

- Roll out of a deposit return scheme;
- Legislation for mandatory separate food waste collections – by the end of March 2026;
- 75% recycling rate for packaging;
- 65% recycling rate for municipal solid waste – 2035; and
- Municipal waste to landfill 10% or less – 2035.

### **Environmental Improvement Plan 2023**

- 1.3.8 The 25 Year Environment Plan set out the Government’s 25-year plan to improve the environment within a generation. It defined 10 goals and provided a framework and vision for how these were to be achieved. The goals included: maximise our resources, minimise our waste. In accordance with the Environment Act 2021 the 25-year plan is to be reviewed and updated every five years; the Environmental Improvement Plan 2023 (Ref 17) is the first of these updates. The Environmental Improvement Plan 2023 reinforces the intent of the 25 Year Environment Plan and sets out the progress made against all 10 goals, the specific targets and commitments made in relation to each goal, and the Government’s plan to continue to deliver these targets and the overarching goals. The 25 Year Environment Plan and the Environmental Improvement Plan 2023 highlight the Government’s support for the reduction in the UK’s carbon footprint; protection and enhancement of the natural environment; and ensuring land is managed with environmental gains.

### **The Waste Prevention Programme for England: Maximising Resources, Minimising Waste 2023**

- 1.3.9 The Waste Prevention Programme (Ref 18) builds on and embeds strategic principle 2 from the Our Waste, Our Resources Strategy, to prevent waste from occurring in the first place and manage it better when it does. The goal is for a circular economy approach which retains products and materials in circulation for as long as possible and at their highest value.

## **1.4 Local Planning Policy**

### **Wiltshire Core Strategy**

- 1.4.1 The Wiltshire Core Strategy adopted in 2015 (Ref 19) provides a comprehensive planning framework for the county up to 2026, focusing on sustainable development and environmental protection. The Strategy does not include specific waste policies as these are detailed within the supplementary Wiltshire and Swindon Waste Core Strategy 2006-2026 (Ref 20) and the Wiltshire and Swindon Minerals and Waste Development Framework (Ref 21). However, the Wiltshire Core Strategy does support the development of infrastructure for waste treatment and recycling to minimise landfill use and promote a circular economy.

### **The Wiltshire and Swindon Minerals and Waste Development Framework**

- 1.4.2 The Wiltshire and Swindon Minerals and Waste Development Framework (Ref 21) is a comprehensive suite of planning documents that guide the sustainable management of minerals and waste in the region. It includes policies and site allocations for mineral extraction and waste management, ensuring that these activities are conducted in an environmentally responsible manner. The framework aims to balance the need for mineral resources and waste facilities with the protection of local communities and the environment, supporting the overall development goals of Wiltshire and Swindon.

### **Wiltshire and Swindon Waste Core Strategy 2006-2026**

- 1.4.3 The Wiltshire and Swindon Waste Core Strategy (Ref 20) is an integral part of the broader Wiltshire Core Strategy. It specifically addresses the strategic planning framework for waste management in the region, covering the period from 2006 to 2026. The Wiltshire and Swindon Waste Core Strategy forms a key component of the Wiltshire and Swindon Minerals and Waste Development Framework (Ref 21), ensuring that waste management policies are aligned with the overall development goals of the Wiltshire Core Strategy (Ref 19). It includes detailed policies and objectives to promote sustainable waste management practices, reduce landfill use, and enhance recycling and waste treatment infrastructure:
- Policy WCS1: Presumption in favour of sustainable development, ensuring that all waste management proposals contribute to sustainable development goals; and
  - Policy WCS5: Waste reduction and resource recovery, encouraging waste minimisation, reuse, recycling, and recovery of resources.

### **Wiltshire and Swindon Minerals Core Strategy 2006-2026**

- 1.4.4 The Wiltshire and Swindon Minerals Core Strategy (Ref 22) is a crucial part of the broader Wiltshire Core Strategy. The Wiltshire and Swindon Minerals Core Strategy specifically addresses the strategic planning framework for the extraction and management of mineral resources from 2006 to 2026. The Wiltshire and Swindon Minerals Core Strategy forms a key component of the Wiltshire and Swindon Minerals and Waste Development Framework (Ref 21), ensuring that mineral extraction policies align with the overall development goals of the Wiltshire Core Strategy (Ref 19). It includes policies to manage the availability, extraction, and use of primary, secondary, and recycled mineral resources while protecting local communities and the environment:
- Policy MCS2: Supply of Primary Aggregates - Aims to maintain a steady and adequate supply of primary aggregates to meet the needs of the construction industry;
  - Policy MCS3: Secondary and Recycled Aggregates - Promotes the use of secondary and recycled aggregates to reduce reliance on primary resources; and
  - Policy MCS4: Safeguarding Mineral Resources - Protects mineral resources from sterilisation by other forms of development.

### **Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan**

- 1.4.5 The Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan (Ref 24) identifies specific sites for the extraction of aggregate minerals like sand and gravel. It aims to ensure a steady and adequate supply of these materials up to 2026, while minimising environmental impacts. The plan includes detailed site-specific issues, preferred restoration objectives, and planning requirements to guide sustainable mineral development and post-extraction land use.

### **Wiltshire and Swindon Aggregate Waste Site Allocations Local Plan**

- 1.4.6 The Wiltshire and Swindon Aggregate Waste Site Allocations Local Plan (Ref 24) identifies specific sites for the management and disposal of waste from aggregate extraction to meet the capacity requirements of Wiltshire and Swindon up to 2026. It aims to ensure that waste generated from mineral operations is handled sustainably, with minimal environmental impact. The plan includes detailed site-specific issues, preferred restoration objectives, and planning requirements to guide the development and post-use restoration of these sites.

### **Wiltshire and Swindon Local Aggregate Assessment**

- 1.4.7 The Wiltshire and Swindon Local Aggregate Assessment (LAA) (Ref 25) provides an annual review of the supply and demand for aggregates in the region. It covers materials like sand and gravel, assessing production levels, reserves, and future needs. The LAA aims to ensure a steady supply of aggregates while promoting sustainable extraction practices and minimising environmental impacts. It also identifies trends and challenges in the aggregate market, helping to inform planning and policy decisions.

### **Wiltshire and Swindon Minerals and Waste Development Framework: Policies Map**

- 1.4.8 The Wiltshire and Swindon Minerals and Waste Development Framework: Policies Map (Ref 26) visually represents the spatial planning policies for minerals and waste management in the region. It identifies specific locations for mineral extraction, waste management facilities, and safeguarded sites, ensuring that these activities are strategically planned and environmentally sustainable. The map supports the implementation of the broader development framework by providing clear guidance on land use and resource management.

## **1.5 Other Guidance**

### **National Planning Policy Guidance (NPPG) for Waste and Minerals**

- 1.5.1 The NPPG for Waste (Ref 13) and Minerals (Ref 27) were published to provide more in-depth guidance to the NPPF. The NPPG aims to make planning guidance more accessible and ensures that the guidance is kept up to date.

### **IEMA Guide to: Materials and Waste in Environmental Impact Assessment, Guidance for a Proportionate Approach**

- 1.5.2 This document (Ref 28) offers guidance and recommendations for EIA practitioners and stakeholders concerned with the impacts and effects of materials and waste on the environment. The guidance provides considerations for screening, scoping, consultation, assessment and subsequent reporting and monitoring.

**Waste and Resources Action Programme (WRAP)**  
**Designing Out Waste: A Design Team Guide for Civil Engineering**

- 1.5.3 This document (Ref 29) outlines the case for taking action to designing out waste, provides a detailed explanation of the key principles that designers can use during the design process and how these principles can be applied to civil engineering and building projects to maximise opportunities to reduce construction waste and use materials more efficiently. It gives examples of technical solutions and how, in practice, designers have helped achieve significant waste reductions.

**Contaminated Land: Applications in Real Environments (CL:AIRE) Definition of Waste: Development Industry Code of Practice (DoW CoP)**

- 1.5.4 This document (Ref 30) provides a process which enables the reuse of excavated materials on-site or their movement between sites. Use of the DoW CoP supports the sustainable and cost-effective development of land. It can provide an alternative to Environmental Permits or Waste Exemptions.

**Waste Duty of Care Code of Practice**

- 1.5.5 The code of practice (Ref 31) sets out practical guidance on how to meet the waste duty of care requirements. It is issued under Section 34(7) of the Environmental Protection Act 1990 (the EPA) in relation to the duty of care set out in Section 34(1) of that Act.
- 1.5.6 This code of practice applies to those that import, produce, carry, keep, treat, dispose of or, as a dealer or broker have control of, certain waste in England or Wales.
- 1.5.7 Failure to comply with the duty of care is an offence with no upper limit on the courts' power to fine. In some instances, a fixed penalty notice may be issued for failure to comply with the duty of care in place of prosecution. The code of practice is admissible as evidence in legal proceedings for Section 34(1) offences and its rules must be taken into account where relevant to questions raised in the case.

**Defra Guidance on Applying the Waste Hierarchy**

- 1.5.8 This guidance (Ref 32) was produced under regulation 15(1) of the Waste (England and Wales) Regulations 2011 and any person subject to the regulation 12 duty must have regard to it. The guidance is for any business or public body which generates, handles or treats waste. It sets out:

- What the waste hierarchy is;
- How it works for a range of common materials and products;
- What businesses and public bodies need to do; and
- Key questions and ideas for dealing with waste in line with the hierarchy.

### **Solar Power Europe Lifecycle Quality Best Practice Guidelines**

- 1.5.9 The Lifecycle Quality Best Practice Guidelines (Ref 33) focuses on ensuring quality assurance throughout the entire lifecycle of solar projects. It emphasises the importance of due diligence, risk management, and standardising key terms and stakeholder roles across different phases, including Engineering, Procurement, and Construction (EPC), Operation and Maintenance (OM), and Asset Management. This guidance aims to enhance the technical and economic performance of solar systems by promoting best practices and continuous improvement. The guidance includes a section on Health, Safety, Security and Environment (HSSE) in which waste is considered.

### **UK Battery Strategy**

- 1.5.10 The UK Battery Strategy (Ref 34) aims to establish a globally competitive battery supply chain by 2030, supporting economic prosperity and the transition to net zero. It focuses on sustainable battery design, manufacturing, and use, backed by over £2 billion in new capital and research & development funding for the automotive sector. The strategy emphasises innovation, resilience in manufacturing supply chains, and the development of a sustainable battery industry. It also highlights the importance of a thriving battery innovation ecosystem and aims to position the UK as a world leader in this field. The strategy includes a section on Circular Economy in which battery waste and recycling is considered.

### **Solar Supply Chains: Sustainability Issues and Action**

- 1.5.11 The 'Solar Supply Chains: Sustainability Issues and Action' (Ref 35) by Solar Energy UK addresses the key sustainability challenges facing solar supply chains, such as responsible sourcing, environmental impact, etc. The guidance promotes sustainability best practices and outlines actionable steps for organisations to ensure responsible investment in solar projects.



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