Appendix A14.1: Assessment of Regulatory and Policy Compliance

1.1 Introduction

1.1.1 The use and consumption of material resources and the production and management of waste are subject to a complex framework of legislative and policy instruments at the national, local and applicant level.

1.1.2 As instructed by Transport Scotland, the Material Assets and Waste assessment was undertaken in accordance with DMRB LA 110 Material Assets and Waste which is the published standard for assessing the impacts associated with material assets and waste, which replaces the draft unpublished HD 212/11 guidance in Scotland, and which requires amongst other things that the assessment should determine how the project proposals conform to the regulatory and policy context and the stated project objectives for materials and waste.

1.1.3 This appendix summarises the main points of the key legislative and policy framework influencing the design, construction and environmental assessment of the proposed scheme, and details how they have been addressed in Chapter 14 (Material Assets and Waste) assessment for the proposed scheme through reference to the additional mitigation measures.

1.1.4 Such measures will support the delivery of the A9 Sustainability Strategy objective of "optimising resource efficiency across the life of the A9 Dualling Programme, with particular regard to geographical scale and project alignment" through:

- Complying with all relevant legislation, policy and plans pertaining to the use of material resources and the management of waste (including applying the waste hierarchy); and taking cognisance of all relevant SEPA definition of waste guidance, end-of-waste guidance, special waste guidance, statutory guidance and position statements (Mitigation Items SMC – M2 and SMC – M3).
- Designing for resource efficient construction in order to make the best use of materials and minimise embodied carbon emissions (Mitigation Items SMC – M4).
- Responsibly sourcing construction materials and products; and investigating alternatives to the use of primary aggregates (Mitigation Item SMC – M5 to SMC – M7).
- Designing out Waste and facilitating the prevention, reuse, recycling and recovery of CD&E waste through the implementation of a SWMP; including setting resource efficiency requirements into the procurement process for the principal contractor that support the delivery of the Scottish Government's Zero Waste Plan Targets (Mitigation Item SMC – M1).

1.1.5 The key legislative, policy, plans and guidance influencing the design, construction and environmental assessment of material resources and waste are identified below.

1.2 National Level

Legislation

Landfill Tax (Scotland) Act 2014 (as amended)

1.1.1 Scottish Landfill Tax (SLfT) is a tax which is charged in Scotland under the Landfill Tax (Scotland) Act 2014. It replaced the UK Landfill Tax from 1st April 2015.

1.1.2 SLfT is a tax on the disposal of waste to landfill and is charged by weight on the basis of two rates: a standard rate for active materials and a lower rate for less polluting materials. As is currently the case with (UK) LfT, operators of landfill sites in Scotland are liable for SLfT, and this cost is passed on to the local authorities and businesses who dispose of waste at the landfill sites.

1.1.3 SLfT is also due on disposals of material at unauthorised sites. From 1st April 2015 onwards, if you deposit waste or place it for storage on or under land (or on a structure set into the surface of the land), you may also be liable to pay SLfT if the activity purportedly being carried out under a licence, exemption or regulatory position statement actually constitutes a disposal of the waste by way of landfill.

The Environmental Protection (Duty of Care) (Scotland) Regulations 2014 (as amended)

1.1.4 The Environmental Protection (Duty of Care) (Scotland) Regulations 2014 impose a duty of care on any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste.

1.1.5 The duty requires such persons to ensure that there is no unauthorised or harmful deposit, treatment or disposal of the waste, to prevent the escape of the waste from their control or that of any other person, and on the transfer of the waste to ensure that the transfer is only to an authorised person or to a person for authorised transport purposes and that a written description of the waste is also transferred.

1.1.6 These regulations require the transferor and the transferee to keep the written description of the waste and the transfer note or copies of them for two years from the transfer. The 2003 amendment allow for waste collection authorities to serve notices on persons who are required to keep written descriptions of waste and transfer notices under the primary Regulations, and to require those persons to furnish such documents to the waste collection authority at their offices within a specified period of time.

Waste Electrical and Electronic Equipment Regulations 2013 (as amended)

1.1.7 The Waste Electrical and Electronic Equipment (WEEE) Regulations aim to reduce the environmental impacts of electrical and electronic equipment (EEE) when it reaches the end of its life. You must comply with the WEEE Regulations if you manufacture, import, rebrand, distribute or dispose of EEE.

1.1.8 Whilst EEE end users have no obligations under these regulations, all WEEE should be disposed of in an environmentally sound manner under Waste Duty of Care requirements, with WEEE

being discarded separately from other waste at the end its life. The WEEE regulations put an obligation on the retailers and distributors of EEE to establish a UK-wide WEEE collection infrastructure, making it easier for users of EEE to discard WEEE at end of life.

The Waste (Scotland) Regulations 2012 (as amended)

1.1.9 The Waste (Scotland) Regulations 2012 modify the Environmental Protection Act 1990, as it applies in Scotland, to require commercial waste producers to separate five mainstream recyclable wastes with the objective of driving these wastes up the waste hierarchy, increasing their resource value and promoting a circular economy. These regulations make the following provisions of potential relevance to this assessment:

- all businesses, public sector and not-for-profit organisations are required to present metal, plastic, glass, paper and card (including cardboard) for separate collection from 1 January 2014;
- food businesses (except in rural areas) which produce over 50 kg of food waste per week to present that food waste for separate collection from 1st January 2014;
- food businesses (except in rural areas) which produce over 5 kg of food waste per week to present that food waste for separate collection from 1st January 2016;
- a ban on any metal, plastic, glass, paper, card and food collected separately for recycling from going to incineration or landfill from 1st January 2014; and
- a ban on biodegradable municipal waste going to landfill from 31st December 2025.

Pollution Prevention and Control (Scotland) Regulations 2012 (as amended)

1.1.10 The Pollution Prevention and Control (Scotland) Regulations 2012 sets out a system to control pollution from any installation or mobile plant carrying out specified activities through permits, inspections and control of emissions. It covers the inclusion of Best Available Techniques and standard rules in permits.

The Waste (Scotland) Regulations 2011 (as amended)

1.1.11 The Waste (Scotland) Regulations 2011 amend various enactments in order to transpose aspects of Directive 2008/98/EC on waste and to effect certain additional changes. Those of relevance to this assessment include: requiring separate collection of waste oils where technically feasible and making it the duty of '*any person who produces, keeps or manages waste (…) to take all such measures as reasonable in the circumstances to apply the waste hierarchy*'. The Scottish Government has produced waste hierarchy guidance giving details of what public bodies and businesses need to do to apply the waste hierarchy.

The Waste Management Licensing (Scotland) Regulations 2011 (as amended)

1.1.12 The Waste Management Licensing (Scotland) Regulations 2011 consolidates the Waste Management Licensing Regulations 1994 and amendments. These regulations provide a framework for the development of a 'Waste Management Licensing System' under Part II of the Environmental Protection Act 1990. They also implement various EU Council Directives regarding the management of waste.

1.1.13 The system provides for the form and contents of applications for waste management licences, and for their surrender or transfer. It outlines the conditions which are to be included in a licence and makes provision for the protection of groundwater against pollution caused by certain dangerous substances. Certain activities are exempted from the requirement to have a waste management licence. These regulations also provide for the registration of waste collectors, transporters, brokers and dealers who otherwise would not be required to register.

The Waste Batteries and Accumulators Regulations 2009 (as amended)

1.1.14 The Waste Batteries and Accumulators Regulations 2009 establishes a legal framework and schemes for collecting, treating and recycling portable, industrial and vehicle batteries. It applies to all types of batteries except when used for military and space equipment. Whilst battery end-users have no obligations under these regulations, all batteries should be disposed of in an environmentally sound manner under Waste Duty of Care requirements, with no portable, industrial, vehicle or other automotive batteries being sent for incineration or to landfill.

The Landfill (Scotland) Regulations 2003 (as amended)

1.1.15 The Landfill (Scotland) Regulations 2003 (as amended) set out a pollution control regime for landfills for the purpose of implementing Council Directive 99/31/EC (as above) on the landfill of waste in Scotland. These regulations amongst other things requires SEPA to classify landfills as for hazardous waste, non-hazardous waste or inert waste, and sets out the requirements for conditions to be incorporated in landfill permits including waste acceptance; prohibition of acceptance of certain wastes at landfills; and waste which may be accepted in the different classes of landfill.

The Special Waste Regulations 1996 (as amended)

1.1.16 The Special Waste Regulations 1996 (as amended) provides a definition of 'special waste' in Scotland to cover all hazardous waste; regulates waste carriers by requiring them to complete and keep consignment notes; sets out controls on labelling, packaging and separating hazardous waste; requires consignment notes to be completed when special waste is transferred and producers to keep a register of documents for at least three years; and requires producers of special waste to keep a register of documents.

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 (as amended)

1.1.17 These regulations establish a system for the registration of carriers of controlled waste. They make it a criminal offence for a person who is not a registered carrier to transport controlled waste in the UK. The regulations also provide for the seizure and disposal of vehicles used for illegal waste disposal.

The Environmental Protection Act 1990 (as amended)

1.1.18 The Environmental Protection Act 1990 establishes in England, Scotland and Wales the structure and authority for waste management and control of emissions into the

environment. It provides the basis for licensing controls and other provisions aimed at ensuring that waste handling, disposal and recovery options do not harm the environment.

The Control of Pollution (Amendment) Act 1989 (as amended)

1.1.19 The Control of Pollution (Amendment) Act 1989 requires carriers of controlled waste to register with the Environment Agency or SEPA and outlines the penalties (including seizure and disposal) for vehicles shown to have been used for illegal waste disposal.

Policy

Scotland's Circular Economy and Waste Route Map to 2030, 2024

1.2.1 Scotland's Circular Economy and Waste Route Map to 2030 sets out an ambitious plan to deliver 11 priority actions that will help Scotland maximise progress towards a circular economy. It is the product of extensive collaboration and engagement with consistently high levels of support since 2022.

1.2.2 Those priority actions of relevance to this assessment include:

- reduce and reuse; and
- strengthen the circular economy.

Scottish Government, National Planning Framework 4 (NPF4), 2023

1.1.20 Revised Draft National Planning Framework 4 provides the national spatial strategy for Scotland and the accompanying spatial principles, regional priorities, national developments and national planning policy.

1.1.21 Those National Planning Polices of relevance to this assessment include:

- Policy 5 Soils:
  - Development proposals on peatland, carbon rich soils and priority peatland habitat will only be supported for:
    - Essential infrastructure and there is a specific locational need and no other suitable site;
    - The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
    - Small-scale development directly linked to a rural business, farm or croft;
    - Supporting a fragile community in a rural or island area; or
    - Restoration of peatland habitats.
  - Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
    - the baseline depth, habitat condition, quality and stability of carbon rich soils;
    - the likely effects of the development on peatland, including on soil disturbance; and

- the likely net effects of the development on climate emissions and loss of carbon.

- Policy 12 Zero waste:
  - LDPs should identify appropriate locations for new waste management infrastructure to support the circular economy and meet identified needs in a way that moves waste as high up the waste hierarchy as possible.
  - Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
  - Development proposals will be supported where they:
    - reuse existing buildings and infrastructure;
    - minimise demolition and salvage materials for reuse;
    - minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
    - use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
    - use materials that are suitable for reuse with minimal reprocessing.
  - Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
    - provision to maximise waste reduction and waste separation at source, and
    - measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- Policy 33 Minerals:
  - Development proposals that would sterilise mineral deposits of economic value will only be supported where:
    - there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or
    - extraction of the mineral is impracticable or unlikely to be environmentally acceptable.

Scottish Government, Making Things Last A Circular Economy Strategy for Scotland, 2016

1.1.22 The Scottish Government Circular Economy Strategy identifies the priority areas for Scotland around the circular economy, where products and materials are kept in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate new products and materials at the end of each service life. This requires a shift in the traditional production-consumption approach: designing for disassembly or remanufacturing and useable by-products, and designing out wasted energy, materials and pollution.

1.1.23 This strategy builds on Scotland's progress in the zero waste and resource efficiency agendas, through articulating aspirations and proposing a number of actions to take Scotland towards

those goals, focusing on actions which make tangible progress over the short to medium term which create the conditions for longer-term change.

1.1.24 Construction and the built environment is one of the Scottish Government's four priority areas. Construction and demolition waste represents about 50% of all waste in Scotland and influencing the built environment has a significant impact on wider resource efficiency. Key aspirations and actions around this area include:

- Preventing waste arising from construction and demolition and ensuring that designs consider waste reduction in both new build and maintenance, while also enabling more reuse and recycling at end of life.
- Avoiding depletion of primary aggregates and timber resources through enhanced recycling of demolition materials.
- Moving towards making the use of the electronic 'edoc' system mandatory for waste in Scotland, i.e. a national online system to track the collection, transport, treatment and disposal of non-hazardous waste.

Office for Product Safety and Standards, Guidance Regulations: timber and FLEGT licences, 2014

1.1.25 The Timber and Timber Products Placing on the Market Regulations (UKTR) and UK FLEGT Regulations[1], which apply in Great Britain from 1 January 2021, regulate timber supply chains to ensure harvesting practices are legal, encourage sustainable harvesting practices and support global forest governance.

1.1.26 Businesses trading in timber and timber products must take steps to ensure that they originate from legal sources. Any natural or legal person who buys and sells timber or timber products already placed on the GB (England, Scotland and Wales) market – a trader – or first places timber or timber products on the GB market – an operator – is responsible for compliance.

Scottish Government, Safeguarding Scotland's Resources - Blueprint for a More Resource Efficient and Circular Economy, 2013

1.1.27 Safeguarding Scotland's resources - building a more efficient and circular economy is the Scottish Government's programme to reduce waste and deliver economic and environmental benefits, to position Scotland to respond to major global pressures and opportunities.

1.1.28 The overall aim of this programme is to prevent waste, increase resource efficiency and enable a shift towards a more circular economy. The Scottish Government has set a target to reduce Scotland's waste by 7% by 2017 from 2011 levels and achieve a 15% reduction by 2025.

1.1.29 Action 4 – Preventing construction wastes requires Resource Efficient Scotland to work with the construction industry to encourage prevention, reuse and recycling of construction wastes through:

[1] Each of these regulatory regimes consists of a suite of separate regulations, including: Timber and Timber Products (Placing on the Market) Regulations 2013 (as amended); Forest Law Enforcement, Governance and Trade Regulations 2012 (as amended); Timber and Timber Products and FLEGT (EU Exit) Regulations 2018 (as amended); and Timber and Timber Products and FLEGT (Amendments) (EU Exit) Regulations 2020 (as amended).

- seeking collective action on resource efficiency with the sector;
- promoting good practice across the construction industry, including the use of Site Waste Management Plans; and
- building on evaluation of Site Waste Management Planning to develop and trial Resource Management Plans to encompass the design stage of construction and the wider benefits of resource efficiency.

Scottish Government, Scotland's Zero Waste Plan, 2010

1.1.30 The Zero Waste Plan sets out the Scottish Government's vision for a zero waste society. This vision describes a Scotland where all waste is seen as a resource; waste is minimised, valuable resources are not disposed of in landfills and most waste is sorted, leaving only limited amounts to be treated. To achieve this vision the Zero Waste Plan sets out a number of measures, those relevant to this assessment include:

- Landfill bans for specific waste types therefore reducing greenhouse gas emissions and capturing the value from these resources.
- Two new targets that will apply to all waste: 70 per cent target recycled, and maximum 5 per cent sent to landfill, both by 2025.
- Restrictions on the input to all energy from waste facilities therefore encouraging greater waste prevention, reuse and recycling.
- Measure the carbon impacts of waste to prioritise the recycling of resources which offer the greatest environmental and climate change outcomes.

1.3 Local Level

Perth & Kinross Council Local Development Plan 2, 2019

1.3.1 The Perth & Kinross Local Development Plan is the Council's statutory corporate document that guides all future development and use of the land. It acts as a catalyst for changes and improvement in the area and shapes the environment and economy of Perth and Kinross. The Development Plan provides the framework against which planning applications are assessed.

1.3.2 Those policies of relevance to this assessment include:

- *Policy 1B: Placemaking:* All proposals should meet all the placemaking criteria which include inter alia:
  - buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible;
  - provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials; and
  - sustainable design and construction.
- Policy 37: Management of Inert and Construction Waste: Applications for the recycling and processing of inert and construction waste which are environmentally acceptable will be supported where:

- they are located in an appropriate industrial area or on appropriate brownfield land;
- they are located at an existing active mineral or landfill site and the facility will be removed on the completion of the landfill or mineral extraction operation;
- on operational mineral and landfill sites the operations would not prejudice or delay the approved restoration of the site;
- they are accompanied by a revised scheme for the restoration of the whole site with appropriate phasing; and
- they will not result in adverse impacts, either individually or in combination, on the integrity of a European designated site(s)

- *Policy 48A: Minerals and Other Extractive Activities – Safeguarding – Sterilisation of Mineral Deposits*: The Local Development Plan will safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Planning permission will not be granted for development which would sterilise mineral deposits of economic value unless:
  - there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or
  - extraction of the mineral is unlikely to be practicable or environmentally acceptable.

  The deposits must not be included by the British Geological Survey's Critical List as nationally important.
- *Policy 48B: Minerals and Other Extractive Activities – Safeguarding – Advance Extraction:* The extraction of proven mineral deposits in advance of other planned development will be permitted provided that:
  - prior extraction would not unduly prejudice the timing and viability of the proposed development;
  - a significant part of the extraction site would be sterilised by development; and
  - there would not be a significant adverse effect on local communities or the environment.

Perth & Kinross Council, Supplementary Guidance - Delivering Zero Waste, 2020

1.3.3 The Supplementary Guidance expands on the Proposed Local Development Plan Policy 34: Waste Management Infrastructure and explains the approach taken towards waste within Perth and Kinross, providing guidance to developers on the siting and design of waste management infrastructure.

1.3.4 Guidance of relevance to this assessment includes that covering Waste Infrastructure in New Developments:

- recycling facilities should be as easy and straightforward to use as general waste bins;
- storage areas should be appropriate for access by both users and collection crews;
- provision should be made for segregated waste streams including dry mixed recyclates, food waste and colour-separated glass; and

- although it is not a legal requirement to provide a SWMP, they can be effective tools in reducing construction waste allowing developers to manage materials more efficiently which could reduce costs.

1.4 Applicant level

Transport Scotland Corporate Procurement Strategy 2024-2025, 2024

1.4.1 Transport Scotland's Procurement Strategy This Corporate Procurement Strategy sets out the strategic direction of Transport Scotland's procurement activity for 2024-2025. Transport Scotland's corporate procurement objective that is of most relevance to this assessment is:

- *Objective 2 – Good for Places and Communities*: Transport Scotland will use the procurement programme for strong community engagement and development to deliver social and economic outcomes to drive wellbeing by creating quality employment and skills. This includes the relevant sub-objectives of:
  - promote sustainable procurement through routine consideration of whole life costing;
  - eliminate waste throughout the supply chain where possible; and
  - promote a circular economy.

Transport Scotland, National Transport Strategy 2, 2020

1.4.2 The National Transport Strategy 2 sets out an ambitious vision for Scotland's transport system for the next 20 years. The vision is underpinned by four priorities: Reduces Inequalities, Takes Climate Action, Helps Deliver Inclusive Economic Growth and Improves our Health and Wellbeing, each with three associated outcomes.

1.4.3 This strategy states that Transport Scotland will ensure its assets are managed as effectively as possible to minimise waste by using new and improving technologies and innovative techniques. For example, it will ensure our resources can be re-used in line with approaches to adopting the circular economy. It will also better protect the resources we have by adapting to climate change.

Transport Scotland, Road Asset Management Plan for Scottish Trunk Roads, 2016

1.4.4 The Road Asset Management Plan (RAMP) sets out how Scotland's trunk road network is maintained strategically and efficiently in order to protect its assets and provide the best possible service with the resources available.

1.4.5 The RAMP presents the type and number of trunk road assets that Transport Scotland are responsible for, including carriageways, footways, structures, lighting and drainage. For each asset type, the RAMP describes its condition and the range of activities used to manage and maintain it throughout its life.

1.4.6 Those asset management objectives and supporting service delivery standards and performance measures that are relevant to this assessment include:

- *Environmental Sustainability*: To protect the environment by inter alia promoting the use of sustainable materials used on road maintenance work. This objective is supported by the following Service Delivery Standards & Draft performance measures:
  - Encourage and promote the use of sustainable practices and materials: Percentage of raw materials used sourced from reused, recycled or renewable sources; and percentage of waste materials reused or recycled.

Transport Scotland A9 Dualling Programme Sustainability Strategy, 2016

1.4.7 At the heart of the Scottish Government's A9 Dualling Programme is a commitment to provide a high quality, economic route that meets the aspiration for sustainable economic development throughout Scotland. The aim is to deliver an A9 upgrade that is a model of modern infrastructure development, with sustainability embedded through all stages of the delivery process.

1.4.8 The scale of investment represented by the A9 Dualling Programme provides a significant catalyst for the delivery of a wide range of the Scottish Government's Strategic Objectives. In recognition of this opportunity, the sustainability vision for the A9 Dualling Programme is to deliver: "an A9 that connects people, business and communities, respects the natural environment of the corridor and makes a contribution to creating a successful and sustainable Scotland."

1.4.9 To support delivery of these aims, Transport Scotland has produced the A9 Dualling: Perth to Inverness Sustainability Strategy which defines a range of Existing Programme Sustainability Objectives that will be delivered through the design, procurement, construction and operational phases of the A9 Dualling.

1.4.10 This Strategy includes a sustainability objective in relation to materials and waste of: optimising resource efficiency across the life of the A9 Dualling Programme, with particular regard to geographical scale and project alignment.

Transport Scotland, The Strategic Environmental Design Principles, 2014

1.4.11 One of the key outputs of the A9 Dualling Programme Strategic Environmental Assessment process was the development of a range of Strategic Environmental Design Principles. These Principles were developed through collaboration and review with Transport Scotland and the Environmental Steering Group members. The Principles are intended to represent the aims of the A9 Dualling Programme, with respect to the commitment to the delivery of an environmentally - led design process, and to highlight the issues that are of particular relevance.

1.4.12 Those principles of relevance to this assessment include:

- M1 ensure final designs minimise land take;
- M2 maximise the use of existing route infrastructure with suitable residual performance life;
- M3 minimise use of raw materials, through use of appropriate recycled materials that meet safety and durability performance requirements;

- M4 minimise waste generation through re-use of excavated materials locally, or between A9 Dualling schemes (subject to agreement with SEPA);
- M5 use long-life performance materials to improve durability and reduce whole life cost and carbon;
- M6 use locally sourced materials and suppliers, to reduce material transport emissions and to support local businesses; and
- M7 assess the effect of recycled material specifications to determine the associated carbon impact and maintain flexibility to select the option that provides the optimal balance between embodied and transportation carbon effects.

DMRB GG 103 Introduction and general requirements for sustainable development and design, 2019

1.4.13 DMRB GG 103 introduction and general requirements for sustainable development and design specifies the principles, requirements and advice to be applied to all design lifecycle stages, from inception through to end of first life.

1.4.14 Those principles, requirements and advice relevant to this assessment include:

- Serve to support a sustainable economy: Opportunities to reduce disturbance effects on local economies shall be identified and, where relevant, incorporated into design (e.g. measures to minimise changes to the productivity of environmental resources upon which local business depend (for example loss of mineral resources)).
- Represent good whole life value across the design life of road infrastructure: Whole life costing shall be used to inform all design decisions, particularly when demonstrating the pay back periods for, and cost benefits of, innovations. Measures to reduce the need for maintenance, repair, refurbishment, and replacement to increase design life shall be identified and, where feasible, incorporated into the design.
- Embrace innovation: Innovations (design, technology, practice, behaviour, other) that deliver enhanced sustainable development outcomes shall, where relevant, be identified, and subject to necessary approvals required by Highways England, incorporated into the design.
- Use responsibly sourced materials that minimise adverse impacts on people and their environment: Designs shall not restrict the use of materials with proven sustainability credentials.
- Be resource efficient and reflect a circular approach to the use of materials: Design solutions shall seek to minimise the consumption of materials and the generation of waste. Opportunities to reuse site-won materials or arisings from on-site demolition, where available, should be identified, assessed and incorporated into design. Safe design solutions that enable deconstruction, demounting and decommissioning to facilitate future high value recycling, re-manufacture or re-use at end of first life, shall be identified and where feasible incorporated into design.

DMRB LA 110 Material assets and waste, 2019

1.4.15 DMRB LA 110 Material assets and waste sets out the requirements for assessing and reporting the effects on material assets and waste from the delivery of motorway and all-purpose trunk road projects.

1.4.16 The National Application Annexes to DMRB LA 110 set out any specific requirements of the UK devolved Overseeing Organisations (Highways England, Northern Ireland Department for Infrastructure, Transport Scotland and Welsh Government) covering regional and national aggregate recycled content targets and target for recovery of construction and demolition waste for use with DMRB LA 110. However, the Scotland National Application Annex to DMRB LA 110 states that there are no specific requirements for Transport Scotland supplementary or alternative to those given in DMRB LA 110.

1.4.17 Those requirements of relevance this assessment include:

- The England recycled aggregate target of 25% shall be used, in the absence of a Scottish equivalent target, in the environmental assessment of material assets and waste.
- The environmental assessment shall evidence how recovery of construction and demolition waste has been maximised through the design and mitigation process.
- At least 70% (by weight) of non-hazardous construction and demolition waste shall be subjected to material recovery in accordance with the Waste Framework Directive.

1.5 Guidance

Scottish Government, Duty of Care Code of Practice, 2012

1.5.1 This Code of Practice explains the duties which apply to anyone who produces, keeps, imports or manages controlled waste in Scotland. The Code is made under section 34(7) of the Environmental Protection Act 1990 (as amended). Under section 34(10) of the 1990 Act, this Code is admissible as evidence in court and the court shall take it into account in determining any questions to which it appears to be relevant. The intention is that the Code will assist the courts, when hearing cases under Section 34 of the 1990 Act, in determining whether persons subject to the duty took reasonable measures to comply with it.

SEPA Guidance, IS IT WASTE Understanding the definition of waste, 2006

1.5.2 This guidance sets out a framework of factors to be considered in establishing whether a particular substance or object is likely to fall within the scope of the definition of waste adopted in the UK. However, it is not a substitute for legal or policy advice and this document does not attempt to address all the legal considerations.

1.5.3 This guidance has been produced by the Waste Policy Unit to assist SEPA staff in understanding when a substance or object becomes waste and when something that has become waste may cease to be a waste.

1.5.4 SEPA suggests that it is important to read the whole document to appreciate the range of principles that should be applied to the decision making process. Where there is any dubiety about a decision, advice should be sought from the Waste Policy Unit or Legal Team.

SEPA Guidance, Reuse Activities and Waste Regulation, 2017

1.5.5 This guidance aims to provide clarity on when waste legislation applies to reuse activities and what the holder has to do to comply. This guidance applies to the reuse of products or components of products. It does not apply to materials for recycling, for example recovered paper, scrap metal, glass cullet, soil, rubble etc.

1.5.6 Only products and components of products which are being reused for their original purpose can be considered to be 'reused' or 'prepared for reuse'. If the items are being used for a different purpose then this is 'recycling', and not within the scope of this guidance document.

SEPA, Natural Resources Wales, Northern Ireland Environment Agency, Environment Agency, Technical Guidance, WM3: Waste Classification, 2015

1.5.7 This guidance on the classification and assessment of waste provides direction on waste classification in England, Scotland, Northern Ireland and Wales. It is a comprehensive reference manual for anyone involved in producing, managing and regulating waste. Appendix A includes the waste classification codes, also referred to as List of Waste or European Waste Catalogue codes for hazardous and non-hazardous waste. This document does not provide guidance on the packaging and labelling of waste for transport.

1.5.8 Under waste Duty of Care a business must classify the waste it produces: before it is collected, disposed of or recovered; to identify the controls that apply to the movement of the waste; to complete waste documents and records; to identify suitably authorised waste management options; to prevent harm to people and the environment. This guidance should be used by anyone that produces, manages or regulates waste. For most wastes, the waste holder will need to identify if the waste has a hazardous property before it can classify or describe it. This guidance explains how to assess if the waste displays a hazardous property and how to classify it.

SEPA Guidance, Classification of WEEE - Hazardous Substances and Persistent Organic Pollutants (POPs), 2022

1.5.9 This guidance has been prepared to support waste holders in classifying and assessing their WEEE and help ensure that it is managed in an appropriate manner. It is the responsibility of the waste holder to assess and classify their waste, including choosing an appropriate 6 digit LoW code, in the first instance.

1.5.10 To support the classification and assessment process, Appendix I, to this guidance, details the relevant threshold concentrations for the current list of POPs, additionally, Appendix II, to this guidance, details the relevant Toxic Equivalency Factors (TEFs) for Polychlorinated dibenzodioxins (PCDDs) and Polychlorinated dibenzofurans (PCDFs) and advice on assessing wastes contaminated with PCDDs and PCDFs.

SEPA Guidance, Classification of Waste Wood, 2021

1.5.11 This guidance provides a list of the waste wood types that must be segregated and consigned as hazardous waste to sites authorised to accept hazardous waste wood. These items must not be mixed or blended with non-hazardous waste wood.

SEPA Guidance, Recycled Aggregates from Inert Waste, 2013

1.5.12 This guidance clarifies the point at which recycled aggregates manufactured from inert waste, in SEPA's view, cease to be waste and waste management controls are no longer required. If all of the requirements outlined in this guidance are met, the Recycled Aggregate will not be regulated as waste once dispatched from the site for a certain use.

SEPA and the Quarry Products Association (QPA), Guidance on the Production of Fully Recovered Asphalt Road Planings, 2008

1.5.13 This guidance provides an agreed methodology for demonstrating when aggregate produced from source segregated asphalt road planings has been fully recovered to the extent that it has ceased to be waste for a particular proposed use. This is for the purpose of encouraging the use of recycled aggregates through clarification of the waste legislation.

1.5.14 If producers and users of such materials comply with this guidance it is likely that the material they produce will be considered to be a product rather than a waste. Whilst producers and users are not obliged to comply with the guidance, if they do not, the processed material will remain to be classified as a waste and thus be subject to waste legislation.

SEPA Position Statement, Use of Incinerator Bottom Ash Aggregate in Construction, 2022

1.5.15 This position statement applies to the use of Incinerator Bottom Ash Aggregate (IBAA) from municipal Incinerator Bottom Ash (IBA) in certain construction applications. If the holder complies with the conditions contained in this position statement, SEPA will not require a Waste Management Licence or Exemption.

SEPA Guidance, Land Remediation and Waste Management Guidelines, 2009

1.5.16 This guidance sets out how SEPA will regulate the treatment and/or use of contaminated materials at the site of excavation. Subject to the six criteria set out in this guidance, SEPA will not regulate soil that does not require treatment and is able to be used at the site of excavation as part of the development or land remediation project under waste legislation. However, if these criteria cannot be met, SEPA will regulate the activities.

1.5.17 Excavated contaminated soil requiring treatment before it can be used will be regulated under waste legislation. Treatment of waste soil must be carried out within the terms of a Waste Management Licence (either a mobile plant licence or site licence).

SEPA Guidance, Promoting the Sustainable Reuse of Greenfield Soils in Construction, 2010

1.5.18 This regulatory guidance document was produced to promote the sustainable reuse of greenfield soils. Excess soils from development sites are generally regarded as waste and so their use or disposal requires a Waste Management Licence or a registered exemption.

1.5.19 However, SEPA has adopted this regulatory position so that, in certain circumstances, it will not require a licence or exemption for the use of such soils. This guidance sets out the circumstances in which this regulatory position applies. If producers and users of greenfield soil comply with this guidance, SEPA will not regulate its use under waste legislation.

SEPA Guidance, Recovery and Disposal of Waste in Quarries, 2020

1.5.20 This document provides guidance on when the infill or restoration of a quarry using waste is likely to be a recovery or a disposal operation, and therefore what type of waste regulation applies to the activity. This guidance has been written specifically for quarries; however, the principles expressed will also apply to other situations, for example infilling former reservoirs, where it is important to establish whether an activity is a recovery or disposal activity.

SEPA Guidance, Management of Forestry Waste, 2017

1.5.21 This document provides guidance on the Management of Forestry Waste, in particular, the circumstances in which SEPA would expect waste legislation to apply to materials arising from forestry operations. It updates the original SEPA Waste Advisory Note (WAN) 002 (Version 2) of 01 July 2002, which dealt with forestry brash and lop/top from traditional commercial felling operations. This guidance does not deal with specific plant health disease outbreaks such as Chalara fraxinea which affects ash trees.

1.5.22 Where a market for the timber, small roundwood, brash or lop/top has been identified and secured prior to production then the materials would not be regarded as waste. An example would be to have the timber processed at a sawmill and the small roundwood, brash or lop/top processed in a biomass plant. If developers have not developed proposals to take the material to market, then the materials may be waste and subject to waste regulatory controls.

SEPA Guidance, Developments on Peat and Off-Site Uses of Waste Peat, 2017

1.5.23 The aim of this guidance is to set out the hierarchy of management options in relation to excavated peat. The recommended management options for developments on peat are to: (1) prevent creation of waste peat; (2) use peat on site or off-site for peatland restoration; (3) recycling / recovery of peat and (4) disposal of peat.

SEPA Guidance, Use of Trees Cleared to Facilitate Development on Afforested Land, 2014

1.5.24 This document provides joint guidance from the SEPA, NatureScot (formerly Scottish Natural Heritage) and Forestry Commission Scotland on use of trees cleared to facilitate development on afforested land. It complements advice from SEPA within its 'Guidance on Management of Forestry Waste'.

1.5.25 This guidance note does not apply to conventional forestry activities because no land use change is involved and there are special exclusions under the EU Waste Framework Directive 2008 applicable to forestry. It does not apply to materials which are considered legally as waste and hence are controlled through Waste Management Regulations, either directly or through exemption paragraphs. The 'Management of Forestry Waste' guidance applies in this situation.

SEPA Guidance, Disposal of trees and plants infected with specific plant diseases, 2013

1.5.26 The purpose of this document is to provide guidance to SEPA staff and those involved in the management of trees and plants infected with the following specified plant diseases, Phytophthora ramorum and Phytophthora kernoviae, and Chalara fraxinea.

1.5.27 SEPA states that disposal options will vary depending on the nature and location of any infected vegetation. For all landowners and operators (except private householders) the following options are recommended, in decreasing order of preference: burning in-situ; composting in-situ; incineration or off-site landfill; composting or other off-site biological treatment. Burning in-situ is considered by SEPA to be by far the most preferable option.

SEPA Guidance, On-site management of Japanese Knotweed and associated contaminated soils, 2008

1.5.28 This guidance note covers the waste regulatory controls that apply to the management of Japanese knotweed and knotweed infested soil on-site and off-site.

SEPA Guidance, Asbestos in Demolition Waste, 2015

1.5.29 The aim of this guidance is to provide users with a brief guide on how best to manage asbestos contaminated demolition wastes and to establish when it is necessary to consign that material as special waste to a site authorised to accept special waste.

SEPA Guidance, Activities Exempt from Waste Management Licensing, n.d.

1.5.30 Some activities involving waste materials are exempt from licensing if they meet the requirements detailed in Regulation 17 of the Waste Management Licensing (Scotland) Regulations 2011. Although an activity may be exempt from waste management licensing, it is still subject to statutory controls to prevent environmental pollution and harm to human health.

1.5.31 The controls under Regulation 19 relate to registration of exempt activities. The controls under Regulation 17 relate to certain conditions being met in order for the activity to be exempt, which includes the requirement that the activity must not endanger human health or harm the environment by presenting a risk to water, air, soil, plants or animals; causing nuisance through noise or odours; or adversely affecting the countryside or places of special interest. It is an offence to carry out an exempt activity without it being registered or to carry out an activity in breach of registration obligations.

1.5.32 Where an exempt activity relates to the storage, treatment or recovery of waste then operating out with the parameters specified for that activity may indicate that a waste disposal activity is taking place. In these circumstances, the activity would no longer be exempt and the waste holder would need to apply for a Waste Management Licence.

1.5.33 Exempt activities carried out under waste exemptions on construction sites often include:

- Paragraph 7 - The treatment of land for agricultural benefit or ecological improvement;
- Paragraph 9 - The reclamation or improvement of land;
- Paragraph 11 - Baling, sorting, shredding etc. of specified wastes;
- Paragraph 13 - Manufacture of specified goods from specified wastes;
- Paragraph 17 - Storage of specified wastes in a secure place;
- Paragraph 18 - Secure storage of specified wastes on any premises;
- Paragraph 19 - Waste for construction and other 'relevant work';
- Paragraph 21 - Chipping etc waste plant matter;
- Paragraph 24 - Size reduction of bricks, tiles or concrete;
- Paragraph 25 - The deposit of dredging wastes;
- Paragraph 30 - Burning plant tissue waste on land in the open;
- Paragraph 35 - The deposit of excavated material from a borehole or other excavation;
- Paragraph 40 - Secure storage of non-liquid waste other than at the place of production; and
- Paragraph 41 - Temporary storage of waste at the place of production.

SEPA, Northern Ireland Environment Agency and the Environment Agency, Guidance, GPP 6: Working at Construction and Demolition Sites, 2023

1.5.34 Guidance for Pollution Prevention 6 (GPP 6) was produced by the Northern Ireland Environment Agency (NIEA) and the Scottish Environment Protection Agency (SEPA). For Northern Ireland, Scotland and Wales, this document provides guidance on environmental legislation.

1.5.35 GPP 6 provides information for contractors and sub-contractors on how to prevent pollution on construction and demolition sites. The document covers legal responsibilities, as well as providing good practice advice, and advice on how to minimise wider impacts on the environment from construction and demolition activities, including but not limited to waste management.

SEPA Position Statement, Portable/Chemical Toilet Wastes, 2019

1.5.36 This interim regulatory position applies to the acceptance at Scottish Water sewage works of wastes generated from portable and chemical toilets. SEPA will not take enforcement action when portable/chemical toilet wastes are accepted, stored and treated at a sewage treatment works which is not covered by a waste management licence where the conditions laid down in this position statement are met by the sewage treatment works.

SEPA Position Statement, Crushing or Piercing of Waste Aerosol Cans for the Purposes of Recovery, 2018

1.5.37 This regulatory position statement covers the 'crushing or piercing of waste aerosol cans, using specialist equipment, at the site of production, for the purposes of 'recovery'. If the holder complies with the requirements provided in this position statement, they can store, crush or pierce waste aerosol cans using specialist treatment equipment so that the metal can be recovered, at the place of production only, without the need for an environmental authorisation.

SEPA Guidance, Consigning Special Waste Guidance, 2022

1.5.38 This document is a guide to consigning special waste in Scotland. Any movement of special waste - known as a consignment - is subject to regulation and must be monitored by its producer, consignor, carrier and consignee. Any business that produces, collects, transports or disposes of special waste, must comply with the Special Waste Regulations 1996 (as amended). SEPA's guidance on consigning special waste explains producers or operators' obligations in more detail.

SEPA Guidance, Prior Treatment of Waste for Landfill, 2006

1.5.39 This document provides guidance on the requirements of Regulation 12(1) of the Landfill (Scotland) Regulations 2003 'the Landfill Regulations with regard to the pre-treatment of waste for landfill. This specific regulation will apply to all landfill sites on issue of a Pollution Prevention and Control permit.

1.6 Policy Assessment

1.6.1 Table A14.1-1 provides a summary of the alignment of the proposed scheme with the regulatory and policy context for materials and waste, and how compliance will be secured through the adoption of Mitigation Measures identified in Volume 1 Chapter 14 (Materials Assets and Waste).

Table A14.1-1: Legislative and Policy Compliance.

Legislation/Policy	Compliant	Mitigation required to ensure compliance
National legislation		
The Landfill Tax (Scotland) Act 2014 (as amended)	Yes	SMC-M2

Legislation/Policy	Compliant	Mitigation required to ensure compliance
The Environmental Protection (Duty of Care) (Scotland) Regulations 2014 (as amended)	Yes	SMC-M1 – SMC-M3
The Waste Electrical and Electronic Equipment Regulations 2013 (as amended)	Yes	SMC-M1 – SMC-M3
The Waste (Scotland) Regulations 2012 (as amended)	Yes	SMC-M1 – SMC-M4
The Pollution Prevention and Control (Scotland) Regulations 2012 (as amended)	Yes	SMC-M1 – SMC-M2
The Waste (Scotland) Regulations 2011 (as amended)	Yes	SMC-M1 – SMC-M4
The Waste Management Licensing (Scotland) Regulations 2011 (as amended)	Yes	SMC-M1 – SMC-M2
The Waste Batteries and Accumulators Regulations 2009 (as amended)	Yes	SMC-M1 – SMC-M3
The Landfill (Scotland) Regulations 2003 (as amended)	Yes	SMC-M1 – SMC-M2
The Special Waste Regulations 1996 (as amended)	Yes	SMC-M1 – SMC-M3
The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 (as amended)	Yes	SMC-M2
The Environmental Protection Act 1990 (as amended)	Yes	SMC-M1 – SMC-M2
The Control of Pollution (Amendment) Act 1989 (as amended)	Yes	SMC-M1 – SMC-M2
National policy		
Scotland's Circular Economy and Waste Route Map to 2030, 2024	Yes	SMC-M1 – SMC-M7
Scottish Government, National Planning Framework 4, 2023	Yes	SMC-M1 – SMC-M7
Scottish Government, Making Things Last A Circular Economy Strategy for Scotland, 2016	Yes	SMC-M1 – SMC-M7
Office for Product Safety and Standards, Guidance Regulations: timber and FLEGT licences, 2014	Yes	SMC-M1 – SMC-M4; and SMC-M6
Scottish Government, Safeguarding Scotland's Resources - Blueprint for a More Resource Efficient and Circular Economy, 2013	Yes	SMC-M1 – SMC-M4
Scottish Government, Scotland's Zero Waste Plan, 2010	Yes	SMC-M1 – SMC-M4
Local		
Perth & Kinross Council Local Development Plan 2, 2019	Yes	SMC-M1 – SMC-M7
Perth & Kinross Council Local Development Plan, 2014	Yes	SMC-M1 – SMC-M7

Legislation/Policy	Compliant	Mitigation required to ensure compliance
Perth & Kinross Council, Supplementary Guidance - Delivering Zero Waste, 2020	Yes	SMC-M2 – SMC-M3
Applicant		
Transport Scotland Corporate Procurement Strategy 2024-2025	Yes	SMC-M4 – SMC-M7
Transport Scotland, National Transport Strategy 2, 2020	Yes	SMC-M1 – SMC-M7
Transport Scotland, Road Asset Management Plan for Scottish Trunk Roads, 2016	Yes	SMC-M1 – SMC-M7
Transport Scotland A9 Dualling Programme Sustainability Strategy, 2016	Yes	SMC-M1 – SMC-M7
Transport Scotland, The Strategic Environmental Design Principles, 2014	Yes	SMC-M1 – SMC-M7
DMRB Volume 0, Section 2, Part 2, GG 103 Introduction and general requirements for sustainable development and design, 2019	Yes	SMC-M1 – SMC-M7
DMRB Volume 11, Section 3, Part 13, LA 110 Material assets and waste, 2019	Yes	SMC-M1 – SMC-M7
Statutory Guidance		
Scottish Government Duty of Care Code of Practice, 2012	Yes	SMC-M1 – SMC-M3
SEPA Guidance IS IT WASTE Understanding the definition of waste, 2006	Yes	SMC-M1 – SMC-M2
SEPA Guidance, Reuse Activities and Waste Regulation, 2017	Yes	SMC-M1 – SMC-M3
SEPA et al Technical Guidance WM3: Waste Classification, 2015	Yes	SMC-M1 – SMC-M2
SEPA Guidance, Classification of WEEE – Hazardous Substances and Persistent Organic Pollutants (POPs), 2022a	Yes	SMC-M1 – SMC-M3
SEPA Guidance, Classification of Waste Wood, 2021	Yes	SMC-M1 – SMC-M3x
SEPA Guidance Recycled Aggregates from Inert Waste, 2013	Yes	SMC-M1 – SMC-M4; and SMC-M7
SEPA et al Guidance on the Production of Fully Recovered Asphalt Road Planings, 2008	Yes	SMC-M1 – SMC-M4; and SMC-M7
SEPA Position Statement, Use of Incinerator Bottom Ash Aggregate in Construction, 2022	Yes	SMC-M1 – SMC-M2; and SMC-M7
SEPA Land Remediation and Waste Management Guidelines, 2009	Yes	SMC-M1 – SMC-M3

Legislation/Policy	Compliant	Mitigation required to ensure compliance
SEPA Guidance Promoting the Sustainable Reuse of Greenfield soils in construction, 2010	Yes	SMC-M1 – SMC-M3
SEPA Guidance, Recovery and Disposal of Waste in Quarries, 2020	Yes	SMC-M1 – SMC-M3
SEPA Guidance on Management of Forestry Waste, 2017	Yes	SMC-M1 – SMC-M3
SEPA Guidance, Developments on Peat and Off-Site Uses of Waste Peat	Yes	SMC-M1 – SMC-M3
SEPA Use of Trees Cleared to Facilitate Development on Afforested Land, 2014	Yes	SMC-M1 – SMC-M3
SEPA Guidance on Disposal of trees and plants infected with specific plant diseases, 2013	Yes	SMC-M1 – SMC-M3
SEPA Technical Guidance Note, On-site management of Japanese Knotweed and associated contaminated soils, 2008	Yes	SMC-M1 – SMC-M3
SEPA Guidance on Asbestos in Demolition Waste, 2015	Yes	SMC-M1 – SMC-M3
SEPA Technical Guidance on Activities Exempt from Waste Management Licensing, n.d	Yes	SMC-M1 – SMC-M3
SEPA et al GPP 6: Working at Construction and Demolition Sites, 2023	Yes	SMC-M1 – SMC-M3
SEPA Position Statement, Portable/Chemical Toilet Wastes, 2019	Yes	SMC-M1 – SMC-M3
SEPA Guidance, Consigning Special Waste Guidance, 2022	Yes	SMC-M1 – SMC-M3
SEPA Technical Guidance Note Prior Treatment of Waste for Landfill, 2006	Yes	SMC-M1 – SMC-M3

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