
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [2006/21/EC](#) (O.J. No. L102, 11.4.2006, p.15-34) (“the Mining Waste Directive”) of the European Parliament and of the Council of 15th March 2006 on the management of waste from extractive industries and amending Directive [2004/35/EC](#) (O.J. No. L143, 30.4.2004, p.56-75) (“the Waste Framework Directive”).

Regulation 2 provides definitions, most of which are derived from the Directive. Two types of areas are defined for the application of the Directive, an “extractive waste site” and a “waste facility”. For the latter, a definition of a “Category A waste facility” is also provided in the Regulations, this type of waste facility being subject to the additional controls in Part 5.

Regulation 3 extends the definition of ‘mining operations’ in the Planning (Northern Ireland) Order 1991 to include the management of extractive waste so that planning permission will be required for this new type of operation in order to integrate these Regulations into the existing Planning system.

Regulation 4 provides that planning permission for the management of extractive waste cannot be granted unless a waste management plan is approved by the Department under these Regulations and provides that such permissions which involve waste facilities will be subject to conditions as set out in these Regulations. It also makes provision for the deemed grant of planning permission for the management of extractive waste for existing sites and similarly subjects such permissions in respect of waste facilities to the conditions set out in these Regulations.

Regulation 5 details exemptions from the controls in regulation 4 and reduces what the Regulations would otherwise require in relation to particular types of waste considered to be of low risk to the environment or human health.

Regulation 6 (and Schedules 1, 2 and 3) sets out what a waste management plan must include. This plan is central to the system the Directive requires and includes the classification into which the site or facility falls. Schedule 1 gives the objectives of the plan, Schedule 2 provides for how waste is to be characterised and Schedule 3 provides the criteria for the classification of a Category A waste facility.

Regulation 7 details the obligations placed on the Department for consultation, consideration and subsequent decision to approve, or otherwise, the waste management plan submitted to it pursuant to regulation 6.

Regulation 8 provides the condition for a financial guarantee and its purpose.

Regulation 9 details the conditions for the construction and management of waste facilities.

Regulation 10 details the conditions associated with the prevention of water status deterioration, air and soil pollution.

Regulation 11 details the conditions associated with the authorisation for the commencement of and final closure procedures for waste facilities.

Regulation 12 details the conditions for after-closure and the ongoing obligations of the operator.

Regulation 13 details the additional conditions which apply to Category A waste facilities. These conditions seek to minimise the risk of accidents that arise from operation of this particular type of waste facility and to guarantee a high level of protection for the environment and human health. Such a facility requires to have a major accident prevention policy drawn up, a safety management system to implement that policy put in place and an internal emergency plan specifying the measures to be taken on-site in the event of an emergency.

Status: This is the original version (as it was originally made).

Regulations 14 to 17 detail the duties of the Department in relation to inspections, the financial guarantee, the validation of a monitoring report submitted by an operator and closure procedures.

Regulation 18 details the requirement for the Department to draw up an external emergency plan for a Category A waste facility specifying the measures to be taken off-site in the event of an accident, and to make this available to, and consult with, the public concerned.

Regulation 19 details the measures to be undertaken by the Department to ensure co-operation with other Member States, including time for consultation with nationals of those States.

Regulation 20 details the obligation on the Department to prepare and maintain an inventory of closed waste facilities.

Regulation 21 details the requirement on the Department to review any conditions imposed pursuant to these Regulations on a planning permission for relevant development.

A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department of the Environment, Planning Service Headquarters, Millenium House, 17-25 Great Victoria Street, Belfast, BT2 7BN (Tel: 028 90416967) or accessed at <http://www.planningni.gov.uk/>