
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 64

The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2010

PART 2

GENERAL PROVISIONS

Prohibition on the grant of planning permission or deemed grant of planning permission for relevant development without prior approval of a waste management plan and conditions on such permission

4.—(1) Subject to regulation 5—

- (a) planning permission for relevant development shall not be granted on or after the date of coming into operation of these Regulations unless a waste management plan has been submitted to and approved by the Department in accordance with regulations 6 and 7;
- (b) every planning permission granted for relevant development in respect of a waste facility on or after the date of coming into operation of these Regulations shall be subject to the conditions in regulations 8, 9, 10, 11, and 12;
- (c) every planning permission for development comprising mining operations granted prior to the date of coming into operation of these Regulations shall be deemed, subject to the prior submission to and approval by the Department of a waste management plan in accordance with regulations 6 and 7, to include planning permission for relevant development and such permission, if it relates to relevant development in respect of a waste facility, shall be subject to the conditions in regulations 8, 9, 10, 11 and 12;
- (d) every planning permission to which sub-paragraph (b) or (c) applies and which involves a Category A waste facility shall be subject to the conditions referred to in those respective sub-paragraphs, as applicable, and shall also be subject to the conditions in regulation 13; and
- (e) every application for planning permission to which sub-paragraph (d) applies shall be accompanied by such information as is necessary to enable the Department to draw up an external emergency plan in accordance with regulation 18.

(2) If planning permission for relevant development is granted without the conditions required by these Regulations, as appropriate, it shall be deemed to have been granted subject to such conditions.

Exemptions, reductions and waiver

5.—(1) Nothing in these Regulations shall apply to relevant development carried out in extractive waste sites or in waste facilities which closed on or before 1st May 2008 and which remain closed.

(2) Regulation 4(d) shall not apply to those waste facilities falling within the scope of Directive [96/82/EC\(1\)](#).

(3) The requirement of regulation 6 and the conditions in regulations 8, 11, 12, 13, and 18 shall not apply to mining operations in facilities which—

- (a) stopped accepting waste before 1st May 2006;
- (b) are completing closure procedures approved by the Department; and
- (c) will be effectively closed by 31st December 2010.

(4) The requirement in regulation 6 and the conditions in regulations 8, 9(1)(d)(ii) and (iii), 9(1)(g) and (h), 9(3), 10(4) and (5), 11, 12, and 19(1) shall not apply to relevant development where the extractive waste is—

- (a) inert waste or unpolluted soil resulting from the winning, working, treatment and storage of minerals and the working of quarries; or
- (b) where the extractive waste is waste resulting from the working, treatment and storage of peat;

unless deposited in a Category A waste facility.

(5) For non-hazardous, non-inert extractive waste the Department may reduce or waive the conditions in regulations 8, 9(1)(d)(ii) and (iii), 9(3), 10(4) and (5), 12(b), (e) and (f), and 19(1), unless deposited in a Category A waste facility.

(6) The Department may reduce or waive the requirement of regulation 6 and the conditions in these Regulations where the extractive waste is—

- (a) non-hazardous waste generated from the winning of minerals, except oil and evaporates other than gypsum and anhydrite;
- (b) unpolluted soil; or
- (c) other waste resulting from the working, treatment and storage of peat;

and it is satisfied that such extractive waste will be managed using best available techniques without endangering human health and without using processes or methods which could harm the environment, and in particular without—

- (i) risk to water, air, soil and fauna and flora;
- (ii) causing a nuisance through noise or odours;
- (iii) adversely affecting the landscape or places of special interest; and
- (iv) resulting in the abandonment, dumping or uncontrolled depositing of extractive waste.

(7) In the application of the condition in regulation 8(1) to planning permission to which regulation 4(c) applies, the financial guarantee shall be provided to the Department by 1st May 2014.

(8) In the application of the condition in regulation 10(4)(b) to planning permission to which regulation 4(c) applies, for “does not exceed 10 parts per million” there shall be substituted “will not exceed 50 parts per million prior to 1 May 2013, will not exceed 25 parts per million from 1st May 2013 to 30th April 2018, and thereafter will not exceed 10 parts per million.”.

(9) The conditions in regulation 10(1)(b) and (c) may be reduced or waived by the Department where it is satisfied, having assessed the environmental risks, taking into account in particular and as applicable Directives [76/464/EEC\(2\)](#), [80/68/EEC\(3\)](#) or [2000/60/EEC](#), that—

- (a) the collection and treatment of leachate is not necessary; or

(1) O.J. No. L010, 14.1.1997, p.13-33

(2) O.J. No. L129, 18.5.1976, p.23-29

(3) O.J. No. L020, 26.1.1980, p.43-48

- (b) it has established that the waste facility poses no potential hazard to soil, groundwater or surface water.