

EXPLANATORY MEMORANDUM TO

The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2016

SR 2016 No. 96

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by Article 4(3) of the Waste and Contaminated Land Order 1997 ("the 1997 Order") and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Department has introduced The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2016, which amend the Waste Management Licensing Regulations (Northern Ireland) 2003 ("the 2003 Regulations"). The purpose of the Regulations is to amend Part 1 of Schedule 2 to the 2003 Regulations.

3. Background

- 3.1. Exemptions were introduced to facilitate small scale and low risk waste activities. However, the current list of exemptions to the Waste Management Licensing Regulations (Northern Ireland) 2003 does not reflect this aim. The Department aims to create an exemptions system that is proportionate, consistent and fit for purpose.
- 3.2. The first phase of the review concentrated on those exemptions that pose the most risk in terms of the environment and criminality; Schedule 2, Part 1, paragraphs 12, 15, 17, 18, 19, 27 and 45.

4. Consultation

- 4.1. The Department issued a consultation document on 15th June 2015. The purpose of the consultation, which ended on 25th September 2015, was to seek views on its proposed amendments to the Waste Management Licensing Regulations (Northern Ireland) 2003. There were nine responses to the consultation. Respondents were broadly in support of the proposed changes.

5. Equality Impact

- 5.1. It was determined at the time of consultation that changes made by this Rule would have no impact in terms of Section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. A partial Regulatory Impact Assessment was carried out and concluded that the introduction of this Rule would have no major impact.

7. Financial Implications

- 7.1. For those operators who will be required to move from an exemption to a waste management licence, there will be an increase in costs associated with the proposed changes.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Rule complies with the provisions set out in Section 24.

9. EU Implications

- 9.1. Introduction of the Regulations ensures better compliance with the requirements of the Waste Framework Directive.

10. Parity or Replicatory Measure

- 10.1. The regulations governing waste management licensing in England and Wales are the Environmental Permitting (England and Wales) Regulations 2010. The relevant regulations in Scotland are the Waste Management Licensing (Scotland) Regulations 2011.

11. Additional Information

- 11.1. Not applicable.