

SCHEDULE 25

Waste and extractive waste

PART 2

Requirements of authorities

Exercise of specified functions: all waste operations

1.—(1) Every authority must exercise its specified functions in relation to every waste operation—

- (a) for the purposes of implementing Article 4 of the Waste Framework Directive; and
- (b) when exercising a function under the plan making provisions, for the purposes of implementing Article 3(1) of the Waste Framework Directive.

(2) An appropriate authority must exercise its specified functions in relation to every waste operation so as to ensure that the records referred to in Article 14 of the Waste Framework Directive are kept and made available to it on request.

Exercise of specified functions: disposal of waste

2.—(1) Every authority must exercise its specified functions in relation to the disposal of waste—

- (a) for the purposes of implementing Article 5 of the Waste Framework Directive, ignoring the words “in cooperation with other Member States where this is necessary or advisable”;
- (b) for the purposes of implementing, so far as material, any waste management plan.

(2) An appropriate authority must exercise its specified functions in relation to the disposal of waste so as to ensure that the requirements in the second paragraph of Article 9(1) of the Waste Framework Directive are met.

Periodic inspections

3. Every authority must make appropriate periodic inspections of every establishment or undertaking carrying on a waste operation in relation to which it is required to exercise its specified functions under paragraph 1 or 2 of this Part.

Requirements applying to planning authorities

4.—(1) Nothing in paragraph 1 or 2 of this Part requires a planning authority to deal with a matter which an appropriate authority or a regulator has power to deal with.

(2) A planning authority must not grant planning permission or development consent for a landfill unless it has taken the requirements of paragraph 1.1 of Annex 1 to the Landfill Directive into consideration.

(3) A mineral planning authority must not grant planning permission for a mining waste facility to which Article 7 of the Mining Waste Directive applies unless it is satisfied that—

- (a) the operator of that facility will meet the requirements of Article 11(2)(a) of that Directive; and
- (b) the management of waste at that facility will not conflict directly or otherwise interfere with the implementation of the plan or plans referred to in Article 7(3)(b) of that Directive.