

SCHEDULES

^{F1}SCHEDULE 1

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F1 Sch. 1 repealed (8.4.2011) by Waste Regulations (Northern Ireland) 2011 (S.R. 2011/127), regs. 1(1), 7 (with reg. 9(2))

SCHEDULE 2

Articles 17(2), 36(6), 41(3), 52(2), 58(2), 65(4).

APPEALS AND DECISIONS REFERRED TO THE PLANNING APPEALS COMMISSION

PART I

APPEALS UNDER ARTICLE 17, 41 OR 58

1.—(1) This paragraph applies to an appeal to the Planning Appeals Commission (“the Commission”) under Article 17, 41 or 58.

(2) The Commission shall determine the appeal and paragraphs (1), (3) and (5) of Article 111 of the Planning (Northern Ireland) Order 1991 shall apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.

(3) If either party to the appeal so requests, the Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

PART II

APPEALS UNDER ARTICLE 36 OR 65

2.—(1) This paragraph applies to an appeal to the Planning Appeals Commission under Article 36(5) or 65(3).

(2) The Commission shall determine the appeal and paragraphs (1), (3) and (5) of Article 111 of the Planning (Northern Ireland) Order 1991 shall apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.

(3) If either party to the appeal so requests, the Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

(4) Any hearing in connection with the appeal must be held in private.

Status: Point in time view as at 12/03/2013.

Changes to legislation: The Waste and Contaminated Land (Northern Ireland) Order 1997 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART III

DECISIONS REFERRED UNDER ARTICLE 52

4.—(1) This paragraph applies where, in accordance with paragraph (1) of Article 52, a district council refers a decision under that Article to the Planning Appeals Commission.

(2) The Commission shall consider the decision and paragraphs (2), (3) and (5) of Article 111 of the Planning (Northern Ireland) Order 1991 shall apply in relation to the consideration of the decision as they apply in relation to an inquiry or hearing under that Order.

[^{F2}SCHEDULE 3

Article 19(4)

THE WASTE MANAGEMENT STRATEGY

F2 Sch. 3 substituted (8.4.2011) by [Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), 8 (with reg. 9(2))

Part 1

Objectives

Overall objective

1. To protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

Application of the waste hierarchy

2.—(1) To apply the following waste hierarchy as a priority order in waste prevention and management policy—

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery (for example energy recovery); and
- (e) disposal.

(2) In applying the waste hierarchy in sub-paragraph (1) the Department shall ensure that it—

- (a) encourages the options that deliver the best overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste;
- (b) takes into account—
 - (i) the general environmental protection principles of precaution and sustainability;
 - (ii) technical feasibility and economic viability;
 - (iii) protection of resources; and
 - (iv) the overall environmental, human health, economic and social impacts.

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3. To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—

- (a) without risk to water, air, soil, plants or animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.

4.—(1) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques.

(2) The network must be designed so as to enable the European Union as a whole to become self-sufficient in waste disposal as well as in the recovery of mixed municipal waste collected from private households, and to enable the United Kingdom to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.

(3) The network must enable waste to be disposed of or mixed municipal waste collected from private households for recovery, to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, so as to ensure a high level of protection for the environment and human health.

(4) This paragraph does not require that the full range of final recovery facilities is located in Northern Ireland.

Part 2

Matters which must be included in the waste management strategy

5. The waste management strategy must include—

- (a) a statement of the Department's policies for attaining the objectives specified in Part 1 of this Schedule; and
- (b) an analysis of the current waste management strategy, an analysis of the measures to be taken to improve environmentally sound preparation for re-use, recycling, recovery and disposal of waste and an evaluation of how the waste management strategy will support the implementation of the objectives and provisions of the Waste Framework Directive.

6. The waste management strategy must include such matters as the Department considers appropriate, taking into account the geographical level and geographical area to which the waste management strategy relates and including at least the following—

- (a) the type, quantity and source of waste generated within Northern Ireland;
- (b) the waste likely to be shipped from or to Northern Ireland;
- (c) an evaluation of the development of waste streams in the future;
- (d) existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific European Union legislation;
- (e) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure, and, if necessary the related investments;
- (f) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary; and

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- (g) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.
7. The waste management strategy must include policies in relation to packaging waste, separate collection of waste, bio-waste and re-use and including—
- (a) a chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 4 and 5 of the Packaging Waste Directive;
 - (b) measures to promote high quality recycling including the setting up of separate collections of waste where technically, environmentally and economically practicable;
 - (c) measures to encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste;
 - (d) measures to be taken to promote the re-use of products and preparation for re-use activities, in particular—
 - (i) measures to encourage the establishment and support of re-use and repair networks;
 - (ii) the use of economic instruments;
 - (iii) the use of procurement criteria; and
 - (iv) the setting of quantitative objectives.
8. The waste management strategy must include policies in relation to preparing for re-use, recovery and recycling targets including—
- (a) measures to be taken to ensure that by 2020, at least 50% by weight of waste from households is prepared for re-use or recycled;
 - (b) measures to be taken to ensure that by 2020, at least 70% by weight of construction and demolition waste excluding—
 - (i) hazardous waste; and
 - (ii) naturally occurring material falling within code 17 05 04 in the Schedule to the List of Wastes Regulations (Northern Ireland) 2005,is subjected to material recovery.

Part 3

Matters which may be included in the waste management strategy

9. The Department may include the following in the waste management strategy, taking into account the geographical area to which the strategy relates—
- (a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private operators carrying out waste management;
 - (b) an evaluation of the usefulness and suitability of the use of economic and other means of tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;
 - (c) awareness campaigns and information provision directed at the general public or at a specific set of consumers; and
 - (d) measures for the remediation of historical contaminated waste disposal sites.]

SCHEDULE 4

Article 72.

SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY

Interpretation

1. In this Schedule “relevant power” means a power conferred by Article 72, including a power exercisable by virtue of a warrant under this Schedule.

Issue of warrants

- 2.—(1) If it is shown to the satisfaction of a justice of the peace on complaint on oath—
 - (a) that there are reasonable grounds for the exercise in relation to any premises of a relevant power; and
 - (b) that one or more of the conditions specified in sub-paragraph (2) is fulfilled in relation to those premises,

the justice may by warrant authorise an authorised person to exercise the power in relation to those premises, in accordance with the warrant and, if need be, by force.

- (2) The conditions mentioned in sub-paragraph (1)(b) are—
 - (a) that the exercise of the power in relation to the premises has been refused;
 - (b) that such a refusal is reasonably apprehended;
 - (c) that the premises are unoccupied;
 - (d) that the occupier is temporarily absent from the premises and the case is one of urgency; or
 - (e) that an application for admission to the premises would defeat the object of the proposed entry.

(3) ^{F3}

(4) Every warrant under this Schedule shall continue in force until the purposes for which the warrant was issued have been fulfilled.

<p>F3 Sch. 4 para. 2(3) repealed (17.10.2011) by Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5), ss. 11(2), 12(1), Sch. 2; S.R. 2011/312, art. 2, Sch.</p>

Information obtained to be admissible in evidence

3.—(1) Subject to Article 72(9), information obtained in consequence of the exercise of a relevant power, with or without the consent of any person, shall be admissible in evidence against that or any other person.

(2) Without prejudice to the generality of sub-paragraph (1), information obtained by means of monitoring or other apparatus installed on any premises in the exercise of a relevant power, with or without the consent of any person in occupation of the premises, shall be admissible in evidence in any proceedings against that or any other person.

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Duty to secure premises

4. An authorised person who, in the exercise of a relevant power, enters on any premises which are unoccupied or whose occupier is temporarily absent shall leave the premises as effectually secured against trespassers as he found them.

Compensation

5.—(1) Where an authorised person exercises any power conferred by Article 72(2)(a) or (b) or (3), the enforcing authority under whose authorisation he acts shall make full compensation to any person who has sustained loss or damage by reason of—

- (a) the exercise by the authorised person of that power; or
- (b) the performance of, or the failure of the authorised person to perform, the duty imposed by paragraph 4.

(2) Compensation shall not be payable by virtue of sub-paragraph (1) in respect of any loss or damage if the loss or damage—

- (a) is attributable to the default of the person who sustained it; or
- (b) is loss or damage in respect of which compensation is payable under any other provision of the pollution control statutory provisions.

(3) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of any such compensation, shall be referred to and determined by the Lands Tribunal; and Articles 4 and 5 of the Land Compensation (Northern Ireland) Order 1982 shall apply to any such determination.

Schedule 5—Amendments

Schedule 6—Repeals

Status:

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