
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 85

The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015

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 unless a waste management plan has been submitted to and approved by the council in accordance with regulations 6 and 7;
- (b) every planning permission granted for relevant development in respect of a waste facility shall be subject to the conditions of regulations 8 to 12;
- (c) every planning permission to which sub-paragraph (b) 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 of regulation 13; and
- (d) every application for planning permission to which sub-paragraph (c) applies shall be accompanied by such information as is necessary to enable the council to draw up an external emergency plan in accordance with regulation 19.

(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(1)(d) shall not apply to those waste facilities which—

- (a) until 31st May 2015 fall within the scope of Directive [1996/82/EC\(1\)](#); and
- (b) from 1st June 2015 fall within the scope of Directive [2012/18/EU\(2\)](#).

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

- (a) stopped accepting waste before 1st May 2006;

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

(2) O.J. No. L197, 24.7.2012, p.1-37

- (b) have completed closure procedures approved by the Department; and
- (c) have been effectively closed since 31st December 2010.

(4) The requirement of regulation 6 and the conditions of 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 council may reduce or waive the conditions of 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 council or, as the case may be, 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) From the date on which these Regulations come into force until 30th April 2018, regulation 10(4)(b) shall apply to a planning permission mentioned in regulation 24 as if, for “10 parts per million” there were substituted “25 parts per million”.

(8) The conditions of regulation 10(1)(b) and (c) may be reduced or waived by the council where it is satisfied, having assessed the environmental risks, taking into account in particular and as applicable Directives [2006/11/EC\(3\)](#), [2006/118/EC\(4\)](#) or [2000/60/EC\(5\)](#), that—

- (a) the collection and treatment of leachate is not necessary; or
- (b) it has been established that the waste facility poses no potential hazard to soil, groundwater or surface water.

(3) O.J. No. L64, 4.3.2006, p.52-59

(4) O.J. No. L372, 27.12.2006, p.19-31

(5) O.J. No. L327, 22.12.2000, p.1-73