
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 60

The Management of Extractive
Waste (Scotland) Regulations 2010

PART 4

PROCEDURE FOR APPLICATION FOR
AND GRANT OF PLANNING PERMISSION

Decision by planning authority

13.—(1) A planning authority shall evaluate the applicant's ability to meet the objectives of the waste management plan, taking account of the extent to which compliance will be secured through other national [^{F1}legislation or [^{F2}assimilated direct] legislation], and consider whether the applicant has complied with the requirements of these Regulations.

(2) Where regulation 11(3) (Category A waste facilities) applies, the planning authority shall satisfy itself, in considering the documentation submitted under this Part and Part 6, that major-accident hazards are identified and that the necessary features are incorporated into the design, construction, operation and maintenance, closure and after-closure of the waste facility in order to prevent such accidents and to limit their adverse consequences for human health, the environment, or both, including any transboundary impacts.

(3) The planning authority may approve a waste management plan in the form in which it is submitted to the authority or may modify it and approve it as modified.

(4) The planning authority shall not grant planning permission unless it is satisfied as to the matters in paragraph (1) and, where applicable, paragraph (2), including that the waste management plan is appropriate to the category into which it considers the area or facility falls, and where it gives notice of a decision to grant planning permission the notice shall state—

- (a) whether the area or facility is categorised as an extractive waste area or as a waste facility and, if the latter, whether it is or is not categorised as a Category A waste facility;
- (b) the identity of the operator and the location, or proposed location of the area or facility;
- (c) where regulation 15 requires a financial guarantee, either the sum required by way of that guarantee, with details of its calculation, or the way in which the amount of that guarantee is to be determined; and
- (d) any conditions the planning authority determines are necessary to meet the requirements of these Regulations which, except as otherwise provided in Parts 2 and 3, shall not be inconsistent with the mandatory conditions provided in Part 5.

(5) Any decision by a planning authority to grant an application for planning permission does not obviate the need for compliance with any other applicable national [^{F3}legislation or [^{F4}assimilated direct] legislation].

Textual Amendments

- F1** Words in [reg. 13\(1\)](#) substituted (31.12.2020) by [The Management of Extractive Waste \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/273\)](#), regs. 1(2), **12(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 13\(1\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 18(5)**
- F3** Words in [reg. 13\(5\)](#) substituted (31.12.2020) by [The Management of Extractive Waste \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/273\)](#), regs. 1(2), **12(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in [reg. 13\(5\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 18(6)**

Commencement Information

- I1** [Reg. 13](#) in force at 1.4.2010, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Management of Extractive Waste (Scotland) Regulations 2010, Section 13.