

SCHEDULE 1

Regulation 11(1)

WASTE MANAGEMENT PLAN: OBJECTIVES

Commencement Information

II Sch. 1 in force at 1.4.2010, see **reg. 1(1)**

The objectives of the waste management plan are—

- (a) to prevent or reduce waste production and its harmfulness, in particular by considering—
 - (i) waste management in the design phase and in the choice of the method used for mineral extraction and treatment;
 - (ii) the changes that the extractive waste may undergo in relation to an increase in surface area and exposure to conditions above ground;
 - (iii) placing extractive waste back into the excavation void after extraction of the mineral, as far as is technically and economically feasible and environmentally sound in accordance with existing environmental standards [^{F1}in [^{F2}assimilated direct] legislation] and with the requirements of these Regulations where relevant;
 - (iv) in respect of a waste facility, putting topsoil back in place after its closure or, if this is not practically feasible, reusing topsoil elsewhere;
 - (v) using less dangerous substances for the treatment of mineral resources;
- (b) to encourage the recovery of extractive waste by means of recycling, reusing or reclaiming such waste, where this is environmentally sound in accordance with existing environmental standards [^{F1}in [^{F3}assimilated direct] legislation] and with the requirements of these Regulations where relevant; and
- (c) to ensure short and long-term safe disposal of the extractive waste, in particular in respect of a waste facility by considering, during the design phase, management during the operation and after-closure of the facility and by choosing a design which—
 - (i) requires minimal and, if possible, ultimately no monitoring, control and management of the closed waste facility;
 - (ii) prevents or at least minimises any long-term negative effects, for example attributable to migration of airborne or aquatic pollutants from the waste facility; and
 - (iii) ensures the long-term geotechnical stability of any dams or heaps rising above the pre-existing ground surface.

Textual Amendments

- F1** Words in sch. 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), **17**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in sch. 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(9)(a)**
- F3** Words in sch. 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(9)(b)**

SCHEDULE 2

Regulation 11(1)(e)

WASTE CHARACTERISATION

Commencement Information

I2 Sch. 2 in force at 1.4.2010, see **reg. 1(1)**

The waste to be deposited in a waste facility shall be characterised in such a way as to guarantee the long-term physical and chemical stability of the structure of the facility and to prevent major accidents. The waste characterisation shall include, where appropriate and in accordance with the category of the facility, the following aspects—

- (a) a description of the expected physical and chemical characteristics of the waste to be deposited in the short and long term, with particular reference to its stability under surface atmospheric/meteorological conditions, taking account of the type of mineral or minerals to be extracted and the nature of any overburden and/or gangue minerals that will be displaced in the course of the extractive operations;
- [^{F4}(b) a description of the waste using—
 - (i) the classification of waste according to the European Waste Catalogue with particular regard to its hazardous characteristics;
 - (ii) a reference to the notice published or provided by the Scottish Ministers in relation to a determination made by them under regulation 2ZA, 2ZB or 2ZC of the 1996 Regulations;
 - (iii) evidence that in relation to Wales, England or Northern Ireland the waste is for the time being subject to a determination, made in a manner prescribed in regulation 2ZB(3) of the 1996 Regulations, that it is hazardous;
 - (iv) evidence that in relation to Wales, England or Northern Ireland the waste is for the time being subject to a determination, made in a manner prescribed in section 2ZC(4) of the 1996 Regulations, that it is non-hazardous;]
- (c) a description of the chemical substances to be used during treatment of the mineral resource and their stability;
- (d) a description of the method of deposition, and
- (e) the waste transport system to be employed.

Textual Amendments

F4 Sch. 2 para. b 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), **18**; 2020 c. 1, Sch. 5 para. 1(1)

SCHEDULE 3

Regulation 18(2)

MAJOR-ACCIDENT PREVENTION POLICY AND SAFETY MANAGEMENT SYSTEM

1. The operator's major-accident prevention policy and safety management system should be proportionate to the major-accident hazards presented by the waste facility. For the purpose of implementing them, account shall be taken of the following elements.

Commencement Information

I3 Sch. 3 para. 1 in force at 1.4.2010, see **reg. 1(1)**

2. The major-accident prevention policy should include the operator's overall aims and principles of action with respect to the control of major-accident hazards.

Commencement Information

I4 Sch. 3 para. 2 in force at 1.4.2010, see **reg. 1(1)**

3. The safety management system should include the part of the general management system which includes the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the major-accident prevention policy.

Commencement Information

I5 Sch. 3 para. 3 in force at 1.4.2010, see **reg. 1(1)**

4. The following issues shall be addressed by the safety management system—
- (a) organisation and personnel – the roles and responsibilities of personnel involved in the management of major hazards at all levels in the organisation; identification of training needs of such personnel and the provision of the training so identified; and involvement of employees and, where appropriate, subcontractors;
 - (b) identification and evaluation of major hazards – adoption and implementation of procedures for systematically identifying major hazards arising from normal and abnormal operations and assessment of their likelihood and severity;
 - (c) operational control – adoption and implementation of procedures and instructions for safe operation, including maintenance of plant, processes, equipment and temporary stoppages;
 - (d) management of change – adoption and implementation of procedures for planning modifications to, or the design of, new waste facilities;
 - (e) planning for emergencies – adoption and implementation of procedures to identify foreseeable emergencies by systematic analysis and to prepare, test and review emergency plans to respond to such emergencies;
 - (f) monitoring performance – adoption and implementation of procedures for the ongoing assessment of compliance with the objectives set by the operator's major-accident prevention policy and safety management system, and the mechanisms for investigation and taking corrective action in case of non-compliance. The procedures should cover the operator's system for reporting major accidents or near misses, particularly those involving failure of protective measures, and their investigation and follow-up on the basis of lessons learnt;
 - (g) audit and review – adoption and implementation of procedures for systematic assessment of the major-accident prevention policy and the effectiveness and suitability of the safety management system; the documented review of performance of the policy and safety management system and its updating by senior management.

Changes to legislation: There are currently no known outstanding effects for the The Management of Extractive Waste (Scotland) Regulations 2010. (See end of Document for details)

Commencement Information

I6 Sch. 3 para. 4 in force at 1.4.2010, see **reg. 1(1)**

SCHEDULE 4

Regulation 20(4)

INFORMATION TO BE COMMUNICATED TO THE PUBLIC CONCERNED

1. Name of operator and address of the waste facility.

Commencement Information

I7 Sch. 4 para. 1 in force at 1.4.2010, see **reg. 1(1)**

2. Identification, by position held, of the person providing the information.

Commencement Information

I8 Sch. 4 para. 2 in force at 1.4.2010, see **reg. 1(1)**

3. Confirmation that the waste facility is subject to these Regulations and, when applicable, that the information relevant to the elements referred to in regulation 13(2) has been submitted to the planning authority.

Commencement Information

I9 Sch. 4 para. 3 in force at 1.4.2010, see **reg. 1(1)**

4. An explanation in clear and simple terms of the activity or activities undertaken at the site.

Commencement Information

I10 Sch. 4 para. 4 in force at 1.4.2010, see **reg. 1(1)**

5. The common names or the generic names or the general danger classification of the substances and preparations involved at the waste facility as well as waste which could give rise to a major accident, with an indication of their principal dangerous characteristics.

Commencement Information

I11 Sch. 4 para. 5 in force at 1.4.2010, see **reg. 1(1)**

6. General information relating to the nature of the major-accident hazards, including their potential effects on the surrounding population and environment.

Commencement Information

I12 Sch. 4 para. 6 in force at 1.4.2010, see **reg. 1(1)**

7. Adequate information on how the surrounding population concerned are to be warned and kept informed in the event of a major accident.

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Commencement Information

I13 Sch. 4 para. 7 in force at 1.4.2010, see **reg. 1(1)**

8. Adequate information on the actions the surrounding population concerned should take, and on the behaviour they should adopt, in the event of a major accident.

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Commencement Information

I14 Sch. 4 para. 8 in force at 1.4.2010, see **reg. 1(1)**

9. Confirmation that the operator is required to make adequate arrangements on site, in particular liaison with the emergency services, to deal with major accidents and to minimise their effects.

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Commencement Information

I15 Sch. 4 para. 9 in force at 1.4.2010, see **reg. 1(1)**

10. A reference to the external emergency plan drawn up to cope with any off-site effects from an accident, which should include advice to co-operate with any instructions or requests from the emergency services at the time of an accident.

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Commencement Information

I16 Sch. 4 para. 10 in force at 1.4.2010, see **reg. 1(1)**

11. Details of where further relevant information can be obtained, subject to any duty of confidentiality which prohibits disclosure.

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Commencement Information

I17 Sch. 4 para. 11 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.