
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Waste (England and Wales) Regulations 2011

PART 6

Duties of planning authorities

Further duties in relation to planning permission

20.—(1) A planning authority must not grant planning permission or development consent for a landfill unless it has taken into consideration the requirements of—

- (a) paragraph 1.1 of Annex I to Council Directive [1999/31/EC](#) on the landfill of waste⁽¹⁾;
- (b) paragraph 5 of that Annex, but only in respect of nuisances and hazards arising from traffic beyond the site of the landfill.

(2) A mineral planning authority must not grant planning permission for a mining waste facility to which Article 7 of Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries⁽²⁾ 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 plans referred to in Article 7(3)(b) of that Directive.

(3) In this regulation—

“landfill” has the meaning given in Article 2(g) of Directive [1999/31/EC](#), but does not include any operation excluded from the scope of that Directive by Article 3(2);

“mining waste facility” means a “waste facility” as defined in Article 3(15) of Directive [2006/21/EC](#), but does not include those facilities mentioned in Article 24(2) or in the first paragraph of Article 24(4).

(1) OJ No L 182, 16.7.1999, p1, as last amended by Directive [2008/98/EC](#) (OJ No L 312, 22.11.2008, p3).

(2) OJ No L 102, 11.4.2006, p15, as amended by Regulation (EC) No [596/2009](#) (OJ No L 188, 18.7.2009, p14).