

2009 No. 178

ENVIRONMENTAL PROTECTION

**The Waste Management Strategy Regulations (Northern Ireland)
2009**

Made - - - - - *28th April 2009*

Coming into operation - *1st July 2009*

The Department of the Environment has been designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste and in relation to measures relating to the management of packaging and packaging waste.

The Department makes the following Regulations in exercise of the powers conferred upon it by that section.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Waste Management Strategy Regulations (Northern Ireland) 2009 and shall come into operation on 1st July 2009.

(2) The Interpretation Act (Northern Ireland) 1954^(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Waste and Contaminated Land (Northern Ireland) Order 1997

2.—(1) The Waste and Contaminated Land (Northern Ireland) Order 1997^(d) is amended as follows.

(2) In Article 2(2) insert the following definitions in alphabetical order—

““the Packaging Waste Directive” means the European Parliament and Council Directive of 94/62/EC on packaging and packaging waste^(e);

“public consultees” means the persons to whose attention proposals for the waste management strategy are brought by the Department pursuant to Article 19B(1)(b);

“waste management strategy” means the strategy prepared or modified pursuant to Article 19.”.

(3) In Article 2(2) for the definition of “the Waste Directive” substitute the following—

(a) S.I. 1992/2870 and 1996/266

(b) 1972 c.68

(c) 1954 c.33 (N.I.)

(d) S.I. 1997/2778 (N.I. 19).

(e) O.J. No.365, 31.12.1994, p.10; as amended by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council (O.J. No. L 284, 31.10.2003, p. 1), Directive 2004/12/EC of the European Parliament and of the Council (O. J. No. L 47, 18.2.2004, p.26) and Directive 2005/20/EC of the European Parliament and of the Council (O. J. No. L 70, 16. 03. 2005, p.17).

““the Waste Directive” means Directive 2006/12/EC of the European Parliament and of the Council, dated 5 April 2006, on waste;”(a)

(4) For Article 19 (Waste strategy) substitute—

“Waste management strategy

19.—(1) The Department shall have a waste management strategy containing its policies in relation to the recovery and disposal of waste in Northern Ireland.

(2) The Department may from time to time modify the waste management strategy.

(3) The waste management strategy shall consist of a statement which relates to the whole of Northern Ireland.

(4) The waste management strategy shall include—

- (a) a statement of the Department’s policies for attaining the objectives specified in Schedule 3;
- (b) in pursuance of the objectives and measures referred to in the Packaging Waste Directive, a chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 4 and 5 of that Directive; and
- (c) provisions relating to the following—
 - (i) the type, quantity and origin of waste to be recovered or disposed of;
 - (ii) general technical requirements;
 - (iii) any special arrangements for particular wastes;
 - (iv) suitable disposal sites or installations; and
 - (v) the management of hazardous waste.

(5) In preparing the waste management strategy the Department—

- (a) shall consult district councils and such other bodies or persons appearing to it to be representative of the interests of industry as it considers appropriate, and may consult such other bodies or persons as it considers appropriate;
- (b) may carry out a survey or investigation into—
 - (i) the kinds or quantities of waste which it appears to it is likely to be situated in Northern Ireland,
 - (ii) the facilities which are or appear to it likely to be available or needed in Northern Ireland for recovering or disposing of any such waste,
 - (iii) any other matter which the Department considers appropriate in connection with its preparation of the strategy.

(6) Before carrying out a survey or investigation under paragraph (5)(b), the Department shall consult such bodies or persons appearing to it to be representative of the interests of industry as it may consider appropriate, and shall consult such other bodies or persons as it may consider appropriate.

(7) The Department shall make its findings available to any bodies or persons it consults in accordance with paragraph (5)(a) or (6).”.

(5) After Article 19 insert—

“Application of public participation procedures

19A.—(1) Articles 19B and 19C apply to the modification of the waste management strategy as they apply to the preparation of such a strategy.

(2) Articles 19B and 19C do not apply to—

(a) O.J. No. L 114, 27.04.06, p.21; as amended by Directive 2008/98/EC of the European Parliament and of the Council (O.J. No. L 312, 22.11.2008, p3).

- (a) a waste management strategy designed for the sole purpose of serving national defence or prepared in case of civil emergency; or
- (b) a waste management strategy for which a public participation procedure is carried out under the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004(a).

Public participation procedures

19B.—(1) As soon as reasonably practicable after preparing proposals for the waste management strategy the Department shall—

- (a) send a copy of the proposals to the persons or bodies mentioned in Article 19(5)(a);
- (b) take such steps as it considers appropriate to bring the proposals to the attention of the persons who in its opinion—
 - (i) are, or are likely to be, affected by the strategy, or
 - (ii) have an interest in the strategy;
- (c) inform the public consultees of the address (which may include a website)—
 - (i) at which a copy of the proposals may be viewed,
 - (ii) from which a copy of the proposals may be obtained;
- (d) invite the persons or bodies mentioned in Article 19(5)(a) and the public consultees to express their opinion on the proposals, specifying the address to which, and the period within which, opinions must be sent.

(2) The period referred to in paragraph (1) (d) shall be of such length as will ensure that the persons or bodies mentioned in Article 19(5)(a) and the public consultees are given an early and effective opportunity to express their opinion on the proposals.

(3) The Department shall keep a copy of the proposals for inspection by the public at all reasonable times free of charge.

(4) Nothing in paragraph (1) (c) requires the Department to provide copies of the proposals free of charge; but where a charge is made, it shall be of a reasonable amount.

Procedures following public participation

19C.—(1) Before decisions on the waste management strategy are made the Department shall take account of any opinions expressed in accordance with Article 19B(1)(d).

(2) As soon as reasonably practicable after making decisions on the waste management strategy the Department shall—

- (a) inform the persons or bodies mentioned in Article 19(5)(a) and the public consultees of the matters set out in paragraph (4);
- (b) take such steps as it considers appropriate to bring the matters in paragraph (4) to the attention of the public;
- (c) if it has adopted the waste management strategy, make a copy of the strategy available for inspection by the public at all reasonable times and free of charge.

(3) Nothing in paragraph (2)(c) requires the Department to provide copies of the adopted waste management strategy free of charge, but where a charge is made, it shall be of a reasonable amount.

(4) The matters are—

- (a) the decisions made by the Department on the waste management strategy;
- (b) the reasons and considerations upon which those decisions are based; and

(a) S.R. 2004/280

(c) information about the public participation procedures under Article 19B.”.

Sealed with the Official Seal of the Department of the Environment on 28th April 2009.



Wesley Shannon
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the purpose of implementing:

- (a) Article 7(1) of Directive 2006/12/EC of the European Parliament and of the Council on waste (O.J. No. L 114, 27.04.2006, p.21) as amended by Directive 2008/98/EC of the European Parliament and of the Council (O.J. No. L 312, 22.11.08, p.3);
- (b) Article 6(1) of Council Directive 91/689/EEC on hazardous waste (O.J. No. L 377, 31.12.1991, p.20) as amended by Council Directive 94/31/EC (O.J. No. L 168, 02.07.1994, p.28), Corrigendum to Directive 91/689/EC (O.J. No. L 23, 30.01.1998, p.39), Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18 January 2006 (O.J. No. L 33, 04.02.2006, p.1) and Directive 2008/98/EC of the European Parliament and of the Council (O.J. No. L 312, 22.11.08, p.3);
- (c) Article 14 of Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (O.J. No. L 365, 31.12.1994, p.10) as amended by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council (O.J. No. L 284, 31.10.2003, p.1), Directive 2004/12/EC of the European Parliament and of the Council (O.J. No. L 47, 18.02.2004, p.26) and Directive 2005/20/EC of the European Parliament and of the Council (O.J. No. L 70, 16.03.2005, p.17); and
- (d) Article 2 of Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment (O.J. No. L 156, 25.06.2003), in so far as it relates to waste planning.

Regulation 2 substitutes a revised Article 19 and inserts new Articles 19A, 19B and 19C to the Waste and Contaminated Land (Northern Ireland) Order 1997.

The revised Article 19 requires the Department to have a waste management strategy containing its policies in relation to the recovery and disposal of waste in Northern Ireland and satisfy the requirements specified in the Article.

The new Article 19A applies that Article and Articles 19B and 19C to the preparation or modification of the waste management strategy, except where the strategy or any part of it is designed for the sole purpose of serving national defence or civil emergency or is subject to a public participation procedure under the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004.

The new Article 19B sets out the public participation procedures to be followed when preparing or modifying the waste management strategy.

The new Article 19C sets out the procedures to be followed after public participation has taken place.

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