

McRobbie, Andrew

From: Jason Patterson
Sent: 01 May 2009 12:27
To: Planning, legislation
Cc:

Subject: Mining Waste Directive Consultation Response

Attachments: MWD May 09.pdf



MWD May 09.pdf
(104 KB)

Dear Mr Acheson,

Following your invitation for comments on the Mining Waste Directive please find attached our response which has been prepared on behalf of the eight member Councils of the Southern Waste Management Partnership (SWaMP2008).

Kind regards,

Jason Patterson

Technical Officer
Southern Waste Management Partnership (SWaMP2008)

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SWaMP2008

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11th May 2009

Dear Mr Acheson,

RE: Consultation Document on the proposals to transpose EU Directive 2006/21/EC on the management of waste from the extractive industries, the Mining Waste Directive (MWD) in Northern Ireland.

1. INTRODUCTION

- 1.1** This response has been prepared on behalf of the eight member councils of the Southern Waste Management Partnership (SWaMP2008) Listed below; following your request for comments on the proposals contained in the consultation document.

Armagh City & District Council
Banbridge District Council
Cookstown District Council
Craigavon Borough Council
Dungannon & South Tyrone Borough Council
Fermanagh District Council
Newry & Mourne District Council
Omagh District Council

Individual member councils within SWaMP2008 may also make their own separate responses.

- 1.2** In principle SWaMP2008 welcomes the transposition of Directive 2006/21/EC into Northern Ireland legislation.

- 1.3** Although SWaMP2008 constituent Councils will not be directly affected by the transposition of legislation, comments relating to specific issues highlighted for consideration are detailed in 2, below:

2. ISSUES FOR CONSIDERATION

- 2.1** SWaMP2008 welcomes the MWD as this will place requirements upon operators in the onshore extractive industries to manage extractive waste so as to prevent, or reduce as far as possible, any adverse effects on the environment and human health. SWaMP2008 agrees with some notable elements of the MWD, to promote the minimisation of waste and subsequent reuse of recyclable materials, as this is in line with our own waste management plan and the waste management hierarchy.
- 2.2** Article 2(3) of the MWD allows competent authorities to reduce or waive the requirements of the Directive for the deposit of non-hazardous waste generated by the prospecting of mineral resources (except oil and evaporates other than gypsum and anhydrite), and the deposit of unpolluted soil and of waste resulting from the extraction, treatment and storage of peat, as long as the general requirements under Article 4 are met. SWaMP2008 notes that this article may place additional obligations on some Councils for the correct storage of e.g. large quantities of peat for landscaping or soil for landfill cover, however these conditions and requirements will already be covered by additional legislation and will therefore not impact our members.
- 2.3** SWaMP2008 agrees with the Departments intentions to place the onus on operators to provide the necessary identification of waste products and to obtain its express agreement via the planning approval process that material can be considered as a non-waste by-product. For many mineral sites, the restoration plan submitted as part of the planning application will characterise all residues and by-products as well as the uses to which they may be put, with compliance secured through normal planning conditions. It is vitally important for SWaMP2008 constituent councils and indeed for Northern Ireland's waste industry that careful, clear and binding definitions are placed on non-waste by-products in order to ensure full reuse or recovery of these materials.

If we can be of any further assistance please do not hesitate to contact us.

Yours sincerely,



Graham Byrne, Operational Director, SWaMP2008