

PEPG - Proposed Consultations/Legislation 2009 – 2010

Proposed Legislation	Description/Summary	Target Date for Consultations etc	Target Date for Legislation
Consultation on the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009	Implementing NI Regulations resulting from EC Regulations nos. 842/2006, 1493/2007, 1494/2007, 1497/207, 1516/2007 and 303-308/2008. The Regulations aim to contain NI's emissions of Fluorinated Greenhouse Gases covered by the Kyoto Protocol. Businesses in NI involved in refrigeration, air-conditioning, heat pumps, F-gas based solvents, high-voltage switchgear, and fire protection systems will be required to train their staff for new qualifications and to observe new laws on leakage detection, record keeping, the recovery of F-gases, the labelling of products, and prohibitions on the use of sulphur hexafluoride and on placing equipment containing F-gases on the market.	Completed	May 2009 (Regs now in operation, SR 2009 No 184)
The Genetically Modified Organisms (Traceability and Labelling) (Amendment) Regulations (Northern Ireland) 2010	Amendment to give enforcement powers to DARD in respect of animal feed	No consultation necessary – minor technical amendment	February 2010
Consultation on Northern Ireland Environmental Noise Directive Action Plan and Competent Authority Noise Action Plan Guidance	Plan and Guidance	Completed	No legislation involved.
Consultation on the review of Shellfish Water Designations in	Consultation paper	Completed	Regulations not necessary. Designations will be made

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Northern Ireland			under Article 6 of the Water (NI) Order 1999
Consultation on proposals for the Environmental Liability (Prevention and Remediation) (Northern Ireland) Regulations (Northern Ireland) 2009 and non-statutory guidance	Imposes obligations on operators to prevent environmental damage to land, water and biodiversity, or to remediate if it has already occurred.	Completed	Regulations came into operation on 24 July 2009. The Environmental Liability (Prevention and Remediation) (Northern Ireland) (Amendment) Regulations (Northern Ireland) 2009 were made on 6 November 2009 and will come into operation on 14 December 2009. These regulations address minor drafting issues in the principal regulations.
Consultation on draft Controlled Waste (Seizure of Property) Regulations (Northern Ireland) 2009	<p>To strengthen existing legislation on the seizure of vehicles suspected of involvement in illegal waste activity.</p> <p>The consultation will set out the Department's proposals that DOE enforcement officers will be able to seize such vehicles without a warrant.</p> <p>The consultation will be of potential interest to all organisations involved in the transport of waste in Northern Ireland.</p>	The issue of this consultation paper has been delayed pending finalisation of outstanding policy issues.	It is not possible to provide a target date at the present time.
Consultation on potential candidates for a Waste Management Bill	<p>Consultation is taking place on proposals for:</p> <ul style="list-style-type: none"> a range of amendments to the existing legislative framework for waste management and a 	Completed.	Primary legislation - the target date for the Introduction of a draft Bill to the Assembly is early 2010

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	<p>proposed contaminated land regime in Northern Ireland;</p> <ul style="list-style-type: none"> • a range of provisions designed to clarify local government powers to enter into waste management contracts with the private sector and enabling powers to allow the future creation of a Single Waste Disposal Authority; <p>The consultation will be of interest to the local government sector and is of potential interest to all organisations involved in the waste management industry in Northern Ireland.</p>		
<p>Revised Waste Framework Directive – consultation on the implementation of Directive requirements and on a set of enabling Regulations</p>	<p>Stage one consultation focuses on the policies and proposed measures necessary to implement the requirements of the revised Waste Framework Directive. A Stage two consultation will also take place on the legislation to introduce the requirements of the Directive.</p> <p>The consultation will be of specific interest to the local government sector; to the waste management industry and potentially to the NI public at large.</p>	<p>Stage one consultation 12 October 2009 – 4 January 2010</p>	<p>Transposing regulations will need to be in place by December 2010</p>
<p>Consultation on the Legal Definition of Waste and its Application.</p>	<p>England, Wales and Northern Ireland consultation on draft guidance on the interpretation of the definition of waste. The main purpose of the updated guidance is to advise on the substantial</p>	<p>December 2009 – March 2010</p>	<p>No legislation required</p>

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	<p>body of European Case Law that now exists..</p> <p>The consultation will be of specific interest to the local government sector, to the waste management industry and potentially to the NI public at large.</p>		
<p>Consultation on a draft Clean Neighbourhoods and Environment Bill</p>	<p>The draft Bill will contain powers to enable district councils to deal more effectively with a wide range of local environmental problems including nuisance parking, abandoned vehicles, litter, graffiti and other defacement, dog fouling, noise and statutory nuisance.</p>	<p>January 2010 – March 2010</p>	<p>Primary legislation - the target date for introduction of the draft Bill to the Assembly is June 2010.</p>
<p>Consultation on a draft High Hedges Bill</p>	<p>The draft Bill will introduce a high hedges complaints-based system administered by district councils, providing a means of redress for owners or occupiers of domestic property who allege an adverse effect on the enjoyment of their property due to the height of a neighbouring high hedge. The Bill will apply to hedges consisting of a line of two or more evergreen or semi-evergreen trees.</p> <p>The consultation will be of specific interest to the NI public at large.</p>	<p>January 2010</p>	<p>Primary legislation- the target date for introduction of the Bill to the Assembly is June 2010.</p>
<p>Consultation on draft Regulations transposing the batteries and accumulators and waste batteries and accumulators Directive (2006/66/EC)</p>	<p>The Regulations will bring in producer responsibility obligations in respect of batteries and accumulators and so transpose the batteries and accumulators and waste batteries and accumulators Directive (2006/66/EC).</p>	<p>Completed</p>	<p>Made in April 2009</p>

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Consultation on Draft Regulations amending the Waste Electrical and Electronic Equipment Regulations 2006 (SI. 2006/3289)	Technical amendments to the UK-wide WEEE Regulations	Completed	Made in November 2009
Consultation on EU proposals to recast the WEEE and RoHS Directives	The proposed recast of the WEEE (2002/96/EC) and RoHS Directives (2002/95/EC)	Completed May 2009	TBC
Consultation on definition of municipal waste and landfill bans	Consultation on the definition of municipal waste in relation to reporting against landfill directive targets and the possible introduction of additional landfill bans	February 2010	TBC
Consultation on amendment to the Landfill Regulations (NI) 2003	Consultation on applying amended Regulations to landfill sites closed between July 2001 and Jan 2004	March 2010	July 2010
Consultation on Draft Regulations on Carbon Reduction Commitment	New cap and trade scheme through out UK	Completed	April 2010
Consultation on the Environment (NI) Order 2002 (Amendment) Regulations and the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (NI) 2009	Amendments to the 2002 Order will enable the Department to provide by regulation a charging scheme for the costs of regulating the EU Emissions Trading Scheme The Charging Scheme Regulations will provide framework for a charging scheme to enable NIEA to recover the costs of regulating the EU Emissions Trading Scheme.	Commenced November 2009	By March of 2010
Consultation on the Introduction of Regulations to Control above Ground Oil Storage	The proposed Regulations will set minimum design standards for new and existing above ground oil storage facilities codifying existing good practice	March 2010	September 2010
Consultation on the review of the	The proposed Regulations will put in	March 2010	December 2010

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Nitrates Action Programme and Northern Ireland derogation	place a revised nitrates action programme and derogation, allowing farmers who meet certain criteria to apply higher levels of nitrogen per hectare per year from livestock manures, for 2011 to 2014.		
Consultation on update to the 2005 Detergent Regulations	UK wide consultation to revise derogation procedures (rise in cost of fees for derogation application) and to implement a ban on inorganic phosphates in domestic laundry cleaning products by 1 January 2015	Consultation issued 22 October 2009	UK wide Regulations by April 2010
Amendments to the Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007	Consultation is taking place on the proposed technical changes to the Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007	March 2010	July 2010
The Pollution Prevention and Control (District Councils) Charging Scheme (Northern Ireland) 2009	<p>The consultation on this proposed scheme will review the PPC charging scheme for Part C installations and mobile plant under the PPC Regulations 2003.</p> <p>The 2003 Regulations transpose the requirements of EC Directive 96/61 on Integrated Pollution Prevention and Control</p> <p>The Department is required to have in place a charging scheme to ensure that, in so far as is practicable, fees and charges payable under the Regulations are sufficient to recover the costs of district councils in exercising their functions under the Regulations.</p>	Consultation issued on the 30 November 2009	Scheme to issue by April 2010

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	<p>This will be of interest to operators of Part C installations or mobile plant carrying out activities such as those relating to the energy, mineral and chemical industries, production and processing of metals and waste management.</p>		
<p>Consultation on draft amendment to Pollution Prevention & Control Regulations (NI) 2003</p>	<p>The proposed consultation will amend the 2003 Regulations to bring them into line with Article 83A of the Planning Order (NI) 1991 as regards existing development. This would mean that, where the use of the application site for the carrying out of a specified waste management activity requires planning permission granted under the Planning Order, as amended, that a certificate of lawful use is also valid.</p> <p>This is of interest to operators of installations or mobile plant who are carrying out waste management activities.</p>	<p>May/June 2009 Consultation completed</p>	<p>Dec 2009</p>
<p>Joint consultation on Draft Environmental Protection (Controls on Ozone Depleting Substances) Regulations (Northern Ireland) 2009 and on draft Ozone Depleting Substances (Qualifications) Regulations (NI) 2009</p>	<p>NI Regulations, resulting from Regulation (EC) No 2037/2000 on substances that deplete the ozone layer. Both sets of draft Regulations aim to contain emissions of ODS in Northern Ireland, covered by the Montreal Protocol. It will affect NI businesses involved in pest control, refrigeration, air conditioning, heat pumps, fire protection systems, aircraft and shipping. The Regulations concern the</p>	<p>Feb/March 2010</p>	<p>July/Aug 2010</p>

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	placement on the market of ODS, the use of methyl bromide for fumigation, the servicing, maintenance and dismantling of equipment containing ODS, and the de-commissioning of fire protection systems and fire extinguishing equipment.		
Local Air Quality Management Policy	This is guidance is primarily for district councils and other Government departments in relation to the 4 th round of the review and assessment of local air quality.	Dec 2009	No legislation involved
Draft Smoke Control Areas (Exempted Fireplaces) (Amendment) Regulations (NI) 2009	<p>The proposed consultation will amend the 1999 Regulations by prescribing additional classes of fireplaces in the Schedule to the Regulations which are exempted from the provisions of Article 17 of the Clean Air (NI) Order 1981. The Amendment Regulations allow the use (subject to strict conditions) of additional wood, peat and coal fuelled fireplaces in smoke controlled areas. As manufacturers produce new types of heating appliances it is necessary to regularly review and update the list of exempted fireplaces deemed suitable for use in smoke control areas. This will be of interest to those district councils with smoke control areas and to those individuals within smoke control areas who wish to purchase an appliance.</p>	N/A	Aug 2009

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<p>Consultation on draft Air Quality Regulations 2010</p>	<p>The proposed draft Regulations will transpose EC 2008/50 into NI legislation.</p> <p>The Directive has merged existing air quality Directives into a single Directive on air quality, and also included new provisions, in particular:</p> <ul style="list-style-type: none"> • Establish new controls over fine particulate matter (PM2.5); • New provision on deduction of natural sources; • Clarification of meaning and purpose of short term action plans. <p>This will be of interest to competent authorities who monitor ambient air quality.</p>	<p>Jan 2010</p>	<p>May/June 2010</p>
<p>Consultation on revised Draft PPS14 / 21 – Sustainable Development in the Countryside</p>	<p>Policy Paper</p>	<p>Issued as Draft PPS 21 for public consultation on 25 November 2008</p> <p>Consultation completed.</p>	
<p>Consultation on Draft PPS 2 – Natural heritage</p>	<p>Revised draft planning policy to protect and conserve and where possible enhance and restore the diversity of habitats and earth science features. It will also address landscape issues</p>	<p>January 2010</p>	
<p>Consultation on Draft Addendum to PPS7 – Safeguarding the Character of established Residential Areas</p>	<p>Draft Addendum to reinforce the application of current policy on housing within urban areas and take account of recent adjustments to the Regional Development Strategy. The Addendum will also consider new policy provisions on apartment development and flat</p>	<p>Issued as draft PPS 7 Addendum in November 2009 with a 4 month consultation period.</p>	

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	conversions and highlight the need for appropriate design measures to alleviate the risk of localised flooding due to rain and storm run-off		
Consultation on draft PPS 16 - Tourism	Draft planning policy to encourage and facilitate the provision of good quality tourism developments in appropriate locations within the built and natural environment. It will also address the safeguarding of existing tourism assets from inappropriate development.	January 2010	
Consultation on the Review of Exemption Orders Under the Radioactive Substances Act 1993	Consultation brings forward proposals for a future Exclusion/Exemption Order Regime.	June 2009	November 2010
Consultation on Private Water Supplies Regulations (NI) 2009	These regulations will implement the elements of the Drinking Water Directive (98/83/EC) in relation to Private Water Supplies to afford similar protection to consumers as that afforded by the standards set for the public drinking water supply and will replace the existing 1994 regulations.	June 2009	December 2009
Consultation on Water Framework Directive Classification and Priority Substances Regulations (NI) 2009	These regulations will detail the process by which the Department will classify the status of surface and ground water under the Water Framework Directive (2000/60/EC) and will transpose the Priority Substances Directive (2008/105/EC) a daughter directive of WFD to set controls on dangerous substances in the water environment..	Jan 2010	June 2010
Consultation on subordinate legislation under UK Marine & Coastal Access Bill	Regulations for marine licensing, appeals process, civil sanctions and fees.	May/June 2010	Spring 2011

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<p>Consultation on Draft UK Regulations implementing the Marine Strategy Framework Directive and associated policy options.</p>	<p>Implementing Regulations to transpose EC Directive</p>	<p>30 October 2009/22 January 2010 Marine Strategy Framework Directive consultation Department of Environment Northern Ireland</p>	<p>July 2010</p>
<p>Consultation on the transposition of the Groundwater Daughter Directive 2006/118/EC</p>	<p>The Directive aims to protect groundwater against pollution and deterioration. It builds on and clarifies the requirements for groundwater protection in the Water Framework Directive and combined with the existing Groundwater Directive makes up the new groundwater protection regime.</p>	<p>Consultation Paper on the transposition of the Groundwater daughter Directive Closed 6 May 2009</p>	<p>Regulations were made on 2 July 2009 and came into operation on 10 August 2009</p>
<p>Consultation on policy proposals to transpose the requirements of the Directive on the Protection of the Environment through the Criminal Law</p>	<p>Consultation on policy proposals</p>	<p>March 2010</p>	<p>TBC</p>

PEPG legislation made 1 October 2008 – 31 March 2009

Title	Date	No.
The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2009	3 March 2009	SR 2009 No.76
Landfill Allowances Scheme (Amendment) Regulations (Northern Ireland) 2009	11 February 2009	SR 2009 No.46
The Smoke Control Areas (Authorised Fuels) Regulations (Northern Ireland) 2008.	3 October 2008	SR 2008 No.415