



State Supervision of Mines
Ministry of Economic Affairs

Omgevingsvergunning Miningactivities

Nogepa-Presentation
26 August 2010

15 juli 2010





Program

11.00 - 12.00 AM	Presentation MEA / SSM
12.00 - 12.30 PM	Lunch break
12.30 – 13.15 PM	Presentation MEA / SSM
13.15 – 13.45 PM	NAM experiences Pilot WABO Rodewolt
13.45 – 14.00 PM	Questions and discussion



Content

1. General introduction WABO
2. Competent authority & advisory bodies
3. Roles of MEA / SSM within WABO
4. Different types of WABO licenses
5. Internet tool 'Omgevingsloket Online'
6. Application
7. Supervision and enforcement
8. Regulation for co-ordination by national government



1. General introduction WABO (1)

Environmental Licensing Bill (WABO)

One set of rules for the licensing and enforcement of activities which affect the physical environment

- Wet ruimtelijke ordening, Woningwet en Wet milieubeheer (VROM)
- Mijnbouwwet, art. 40 (EZ)
- Monumentenwet (OCW)
- Waterwet/indirecte lozingen (V&W)
- Gemeentelijke verordeningen
- Provinciale verordeningen

- Natuurbeschermingswet (LNV)
- Flora- en faunawet (LNV)



Legislation WABO

Content WABO

- Competent authority
- Reasons for rejection
- Processing procedures
- Objections and appeals

Decree

- Specification of the establishments, activities and spatial planning activities that need a license.
- Designation of competent authority.

Ministerial order

- Information to be submitted with the environmental license application



Purpose of the new Bill

Modernize and simplify

- Applicant central
- Reduction of administrative burden
- Better services

When will the WABO come into force?

- As from 1 October 2010
- Applications submitted before this date, will be processed by the former procedures / regulations



WABO a new way of working?

What is really new?

- One application/one license for several activities
- Digital application + processing
- One competent authority
- Uniform procedures

What stays more or less the same?

- Licensing system
- Protection level / Conditions
- Procedural steps to come to a license
- Supervision and enforcement (although also by one competent authority)



2. Competent authority & advisory bodies (1)

How to find your competent authority?

- Decree (Chapter 3)
- License-check (OLO)

Mining sites → MEA is competent authority (onshore & offshore within 12 miles)

Tasks competent authority

- Issues one license
- Responsible for process
- Objections and appeals
- Supervision and enforcement

Once competent authority, always competent authority.



Competent authority & advisory bodies (2)

Four types

1. Regular advise

Status advice: statutory requirement, take notice, reasoned deviation

2. Optional advice

Status advice: no statutory requirement, reasoned deviation

3. *Binding advice in certain cases*

Status advice: statutory requirement, binding

4. *Declaration of no objection or VVGB*

Status advice: statutory requirement, binding



3. Roles of MEA within WABO (1)

A. Installation mainly mining

- MEA competent authority, municipality advises
- New locations
- Changing of existing locations
- Building activities
- Other municipal licenses
- Water injection permits, MEA competent authority, Province declaration of no-objection (VVGB)



Roles of MEA within WABO (2)

B. Not mainly mining

for instance: geothermal energy, water winning and storage of salty water, CO₂-storage in some cases

- Municipality is competent authority
- MEA delivers VVGB for mining-activity
- VVGB needs to be fully integrated in the license



Roles of MEA within WABO (3)

C. New mining location and Decree common environmental rules for mining activities (BARMM) is applicable

- Municipal is responsible for the total 'omgevingsvergunning', excluding environmental requirements (e.g. building aspects, spatial planning aspects)
- MEA receives only the announcement as obligated in this Decree.
- SodM is supervising mining activities and this Decree.
- Situation remains mainly unchanged.



4. Different types of WABO licenses (1)

1. 'Omgevingsvergunning' for whole project
One application - one procedure - one appeal
2. 'Omgevingsvergunning' for part of project
Fitting within total realization of one project with multiple activities.
Part of a project if: physically dividable, every part full procedure.
3. Phased 'omgevingsvergunning'
If applicant needs some principal decisions, 2 phases maximum,
phase 1: principal pronouncement for one or more parts (spatial planning and environmental requirements)
phase 2: pronouncement remaining parts
phase 1 + phase 2 = 'omgevingsvergunning'



Different types of WABO licenses (2)

4. Temporary 'omgevingsvergunning' (5 years = maximum)
Structural buildings (contractor units), civil, groundwater drainage.

5. Revision license (environmental)
Mining installations and non-mining installation ('wet milieubeheer')
Initiated by applicant or competent authority
Existing rights will be respected
Replaces earlier permits



5. Internet tool ‘Omgevingsloket online’

License check

- Tool to check whether a license or notification is necessary

Application form

- National standard form has to be used
- General part, specific part, local variation
- DigiD!! (for companies via Chamber of Commerce)
- Applicant is responsible; official pre-meeting is advised

Electronic filing module

- Centrally available for applicant and competent authority
- Advisors can get easy access to the file

<https://www.omgevingsloket.nl/Zakelijk/zakelijk/home?init=true#>



Omgevingsloket online

Zakelijk

Inloggen



Home Wat is Omgevingsloket online? De stappen Mijn overzicht

Vergunningcheck

Gebruik de vergunningcheck om te controleren of u een omgevingsvergunning nodig hebt of een melding moet doen.

De vergunningcheck geeft een uitkomst op basis van informatie over ligging en grootte, inhouds- en oppervlaktematen, gebruiksfuncties en dergelijke. Verzamel deze informatie van tevoren en houd het tijdens de check bij de hand. De check duurt ongeveer vijf minuten per werkzaamheid.

1. Locatie

2. Werkzaamheden

3. Checken en uitkomst

1. Locatie

Geef aan waar u de werkzaamheden gaat uitvoeren.

Geen postcode? [Geef de locatie op een andere manier aan](#)

Postcode *

Huisnummer zonder toevoeging *

Huisnummertoevoeging

Adres controleren

Vul hier de postcode in. Voorbeeld: 1234AB

Informatie

Meer informatie? Bel uw gemeente of kijk op de gemeentelijke website.

[Ga naar de website voor particulieren](#)





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[Vergunningcheck wissen en opnieuw starten](#)

Informatie

Bel voor meer informatie met:
070-3539159

Of stuur een e-mail naar:
omgevingsvergunningtest@den...

U kunt ook de website bezoeken:
[Gemeente S GRAVENHAGE](#)

1. Locatie

2. Werkzaamheden

3. Checken en uitkomst

2. Werkzaamheden

Geef aan welke werkzaamheden en activiteiten u gaat uitvoeren.

Bouwen

- Alarminstallatie aanleggen
- Bijbehorend bouwwerk bouwen
- Dakkapel plaatsen
- Dakraam, lichtkoepel of lichtstraat plaatsen
- Nieuw kozijn plaatsen of bestaand kozijn of gevelpaneel veranderen
- Normaal onderhoud uitvoeren
- Privacyscherm plaatsen
- (Schotel)antenne plaatsen
- Woning bouwen
- Zonnepaneel of -collector plaatsen
- Zonwering, rolluik of rolhek bevestigen
- Overig bouwwerk bouwen



Vergunningcheck

Gebruik de vergunningcheck om te controleren of u een omgevingsvergunning nodig hebt of een melding moet doen.

De vergunningcheck geeft een uitkomst op basis van informatie over ligging en grootte, inhouds- en oppervlaktematen, gebruiksfuncties en dergelijke. Verzamel deze informatie van tevoren en houd het tijdens de check bij de hand. De check duurt ongeveer vijf minuten per werkzaamheid.

[Vergunningcheck wissen en opnieuw starten](#)

Informatie

Bel voor meer informatie met:
14 0591

Of stuur een e-mail naar:
gemeente@emmen.nl

U kunt ook de website bezoeken:
[Gemeente EMMEN](#)

1. Locatie

2. Werkzaamheden

3. Checken en uitkomst

3. Checken en uitkomst

Locatie: Beekweg 33, 7761Pk SCHOONEBEEK [Wijzigen](#)

Gekozen werkzaamheden: Overig bouwwerk bouwen, Inrichting of mijnbouwwerk oprichten of veranderen (Milieu) [Wijzigen](#)

Stel de vergunning- of meldingsplicht vast door de werkzaamheden te checken. Na het beantwoorden van de vragen ziet u hieronder per check de uitkomst. De overkoepelende uitkomst staat onder Uitkomst check.

Overig bouwwerk bouwen

Bouwen: Vergunningplichtig

[Bekijken en wijzigen](#)

Inrichting of mijnbouwwerk oprichten of veranderen (Milieu)

Oprichten mijnbouwwerk: Vergunningplichtig

[Bekijken en wijzigen](#)

Uitkomst check

Benodigdheden

Tips

U hebt een omgevingsvergunning nodig voor de volgende werkzaamheden en/of activiteiten:

- Overig bouwwerk bouwen
- Inrichting of mijnbouwwerk oprichten of veranderen (Milieu)

Deze aanvraag verloopt via de uitgebreide procedure. Het behandelend bevoegd gezag is EMMEN.



Omgevingsvergunning



Welkom, **mw ing J.H. Kraaiveld**
[» Uitloggen](#)

- Home
- Informatie
- De aanvragen**

Aanvraag - Test

Status: Gearchiveerd
Verplichting: Vergunningsplicht
Soort procedure: Uitgebreide procedure
Gefaseerd: Nee
Gewijzigd op: 09-07-2010
Bevoegd gezag: Ministerie van Economische Zaken

Taken voor deze aanvraag

Er zijn op dit moment geen taken voor deze aanvraag

Aanvraaggegevens
Voortgang
Aanvrager
Locatie
Werkzaamheden
Bijlagen
Betrokkenen
Formulier downloaden

Notities
Documenten
Audit trail

Inzien Aanvraaggegevens

Algemene gegevens

Aanvraagnummer:	1249
Naam:	Test
Referentienummer bevoegd gezag:	Onbekend
Projectomschrijving:	Test
Blokkerende onderdelen weglaten:	Ja
Opmerking:	test

Status bijlagen bij indienen aanvraag

Bijlagen die later komen	test
Bijlagen n.v.t. of al bekend	test



6. Application

Application procedure

- Official Pre-meeting
- File an application / acknowledgement of receipt / publication
- Responsiveness check (possibly appendices needed)
- Extensive check and advise
- (Draft) Licensing procedure
- Deposit for inspection / objections & appeal
- Start and ending of BRIKS-activities & closing OLO



Official pre-meeting

- Important informal phase for bilateral information transfer
 - - From authorities: Discussion about the submission requirements and verification of recent BAG-data
 - - From applicant: What are the expectations and potential problems
- It is possible to request via OLO for the official pre-meeting, by submitting a concept-application
- MEA initiates the pre-meeting with the required chain partners (municipality, province, waterboard)
- Official reporting by MEA and communicated via OLO



Preparational procedures (1)

1. Standard procedure (*8 weeks + 6 week*)

- Positive fatal term (Lex Silencio Positivo)
- Procedure via 'Algemene wet bestuursrecht'

2. Extended procedure (*6 months + 6 weeks*)

- No fatal term
- From 1-10-2009: appeal and penalty in case the decision of the competent authority is not taken timely (change of Awb)



Preparational procedures (2)

Note:

- As a result of these changes, all actors are required to meet the terms more strictly!!

Complete applications will give licenses within the given time-frame

One opportunity to complete the application, within a given period, but otherwise the procedure will not be continued (buiten behandelingslaten)

- Ministerial regulation is set up to collect fees for the licensing procedure, analog to the current municipal licensing fees



Legal Protection

One procedure of legal protection

- **Standard procedure:**

Notice of objection and appeal (first district court then administrative jurisdiction division)

- **Extended procedure:**

appeal: first district court then administrative jurisdiction division



7. Supervision and enforcement

What is changing within WABO:

- MEA will always be the competent authority for the total mining location instead of only the mining activities.
(also former municipal permits like building permits)
- The competent authority is responsible for the supervision and enforcement of the 'omgevingsvergunning' in total.
- State supervision on Mines (SSM) is and will be the supervisor for MEA, also for the former municipal permits.



Specific roles SSM

1. Mainly mining location

SSM supervisor for total 'omgevingsvergunning', also for parts that are
Advised by municipal or others in permit phase.

2. Not mainly mining location

SSM still supervisor for mining activities and Health and Safety law
Competent authority supervisor for environment (after consulting SSM)
and for BRIKS-activities (mostly municipality)

3. New mining location and Decree common environmental rules for mining activities (BARMM) is applicable

SSM still supervisor for mining activities and Decree
Competent authority supervisor for total 'omgevingsvergunning'.



Changes supervision policy SSM

- The new aspect of supervision (mostly former municipal roles) like the supervision of Building permit is now being implemented in the SSM supervision policy.
- The risk-oriented style of supervision will be leading when changing the SSM-policy because system-oriented supervision is not yet possible.
- SSM will still execute her supervision in a integral way
- SSM will try to keep the frequency of visits as low as possible.



8. Regulation for co-ordination by national government

(Rijkscoördinatiereregeling - RCR)

Introduction

- Basis in Spatial planning Act (Wro) and (for mining) in the Mining Act (Mbw)
 - Art. 3.35 Wro
 - Art. 141a Mbw

Also Gas Act and Electricity Act

- Decision on spatial planning by national government
- Co-ordination (EZ) of the necessary licenses
- Power to make final-decision



Introduction RCR

RCR for decisions on spatial planning of national interest, e.g.:

- Underground storage e.g. CO₂ or gas (Mbw);
- Exploration and production of minerals in/underneath environmentally sensitive area (Mbw);
- Projects in the sphere of gas transport and treatment (Gas Act);
- Production and transport of electricity (Electricity Act);
- Project for energy-infrastructure (Wro).



RCR versus 'omgevingsvergunning'

RCR (Wro)

- Purpose: streamline and simplify the process and the licensing system of spatial planning.
- Co-ordination of different licenses.
- Scope: building permits, construction and modification of different kinds of energy- infrastructure.

'Omgevingsvergunning (Wabo)

- Purpose: simplify licensing system (one competent authority and environmental license).
- A single straightforward procedure and one license.
- Scope: permission for activities which affect the physical environment.



RCR and 'omgevingsvergunning' (1)

NB: there are no regulations linking the RCR and WABO

When the environmental license is part of a 'RCR-procedure':

- the extended procedure applies (Section 3.4 Awb and art. 3.30, 3.31 and 3.35 Wro).
- the 'WABO competent authority' keeps co-ordinating the environmental license.

That is to say: co-ordination concerning the content of the decision of the environmental part.



RCR and ‘omgevingsvergunning’ (2)

- EZ, as coordinating authority of the RCR, therefore sees to the procedures of all licenses needed.
That is to say: co-ordination concerning the procedure (setting deadlines for other competent authorities, notification, submission for inspection, announcement etc.).
- Legal procedure: according to RCR.
That is to say: appeal with the Council of State (no objection procedure, nor court).



RCR Extra information

- Site for answers and FAQ's especially for companies:
<http://www.antwoordvoorbedrijven.nl/product/nieuwe-wet--en-regelgeving/vrom/VROM---Wet-algemene-bepalingen-omgevingsrecht>
- Site with general info Wabo:
www.omgevingsvergunning.vrom.nl
- Helpdesk omgevingsvergunning: 070-373 5333