STATUTORY RULES OF NORTHERN IRELAND

2011 No. 127

ENVIRONMENTAL PROTECTION

The Waste Regulations (Northern Ireland) 2011

Made - - - -	*16th March 2011*
Coming into operation	*8th April 2011*

The Department of the Environment having been designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste and in relation to the environment.

The Department of the Environment acting in exercise of the powers conferred upon it by that section and by Articles 3(3)(a), 4(3), 5(7), 38(3)(a), 39(1), 39(3), 40(3), 48 and 77 of the Waste and Contaminated Land (Northern Ireland) Order 1997(**3**)**,** hereby makes the following Regulations.

PART 1

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Waste Regulations (Northern Ireland) 2011 and except as provided in paragraphs (2), (3) and (4) shall come into operation on 8th April 2011.

(2) Regulation 17 shall come into operation on 8th October 2011.

(3) Regulation 18 shall come into operation on 1st January 2015.

(4) Regulation 28 shall come into operation on 1st January 2014.

(5) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) S.I. 1992/2870 and S.I. 2008/301
(**2**) 1972 c.68
(**3**) S.I.1997/2778 (N.I. 19)
(**4**) 1954 c.33 (NI)

PART 2

Amendment of primary legislation

Amendment of the Environment (Northern Ireland) Order 2002

2.—(1) The Environment (Northern Ireland) Order 2002 shall be amended as follows.

(2) For paragraph 20(2)(b) of Part I of Schedule 1 substitute—

"(b) Directive 2008/98/EC of the European Parliament and of the Council on waste;".

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

3.—(1) The Waste and Contaminated Land (Northern Ireland) Order 1997 shall be amended in accordance with regulations 3(2) to 8.

(2) In Article 2 (general interpretation)—

(a) in paragraph (2) insert the following definitions in the appropriate alphabetical order—

> ""broker" means any person arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;
>
> "dealer" means any person who acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;
>
> "the Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste;
>
> "waste oils" means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;"

(b) in paragraph (2) substitute the following definition—

"waste" means any substance or object which the holder discards or intends or is required to discard; and for the purposes of this definition—

> "holder" means the producer of the waste or the person who is in possession of it: and
>
> "producer" means any person whose activities produce waste or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

(c) in paragraph (2) omit the following definition—

"the Waste Directive" means Directive 2006/12/EC of the European Parliament and of the Council dated 5 April 2006, on waste;

(d) omit paragraph (6).

4.—(1) In Article 5 (duty of care, etc., as respects waste)—

(a) in paragraph (1) after "produces," insert "collects," and after "broker" insert or dealer";

(b) paragraph (1)(c)(i) delete "and";

(c) after (1)(c)(ii) insert "and"; and

(d) after paragraph (1)(c)(ii) insert—

> "(iii) that any waste oils are separately collected where technically feasible."

(2) Omit paragraph (14).

5.—(1) In Article 19 (waste management strategy)—

(a) for paragraph (2) substitute—

"(2) The Department—

(a) shall review the waste management strategy at least every sixth year;

(b) may from time to time modify the waste management strategy;

but this paragraph shall not apply to so much of a waste management strategy as relates to the matters mentioned in paragraphs 7(b), (c), (d) and 8 of Part 2 of Schedule 3.";

(b) for paragraph (4) substitute—

"(4) The waste management strategy:-

(a) shall include a statement of the Department's policies for attaining the objectives set out in Part 1 Schedule 3;

(b) shall include the matters set out in Part 2 of that Schedule; and

(c) may include the matters set out in Part 3 of that Schedule.";

(c) after paragraph (4) insert—

"(4A) Steps taken before the coming into operation of this paragraph in relation to the waste management strategy may be steps for the purposes of Articles 19, 19A, 19B and 19C.";

(d) after paragraph (7) insert—

"(8) The Department shall ensure that the waste management strategy conforms to the strategy for the reduction of biodegradable waste going to landfill required by section 20(1) of the Waste and Emissions Trading Act 2003."

6.—(1) In Article 30 (special provision with respect to certain dangerous or intractable waste)—

(a) in sub-paragraph (2)(e) after "broker" insert "or dealer"; and

(b) paragraph (4) is repealed.

7. Schedule 1 is repealed.

8. For Schedule 3 substitute —

"SCHEDULE 3 Article 19(4)

THE WASTE MANAGEMENT STRATEGY

Part 1

Objectives

Overall objective

1. To protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

Application of the waste hierarchy

2.—(1) To apply the following waste hierarchy as a priority order in waste prevention and management policy—

(a) prevention;

(b) preparing for re-use;

(c) recycling;

(d) other recovery (for example energy recovery); and

(e) disposal.

(2) In applying the waste hierarchy in sub-paragraph (1) the Department shall ensure that it—

(a) encourages the options that deliver the best overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste;

(b) takes into account—

(i) the general environmental protection principles of precaution and sustainability;

(ii) technical feasibility and economic viability;

(iii) protection of resources; and

(iv) the overall environmental, human health, economic and social impacts.

3. To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—

(a) without risk to water, air, soil, plants or animals;

(b) without causing a nuisance through noise or odours; and

(c) without adversely affecting the countryside or places of special interest.

4.—(1) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques.

(2) The network must be designed so as to enable the European Union as a whole to become self-sufficient in waste disposal as well as in the recovery of mixed municipal waste collected from private households, and to enable the United Kingdom to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.

(3) The network must enable waste to be disposed of or mixed municipal waste collected from private households for recovery, to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, so as to ensure a high level of protection for the environment and human health.

(4) This paragraph does not require that the full range of final recovery facilities is located in Northern Ireland.

Part 2

Matters which must be included in the waste management strategy

5. The waste management strategy must include—

(a) a statement of the Department's policies for attaining the objectives specified in Part 1 of this Schedule; and

(b) an analysis of the current waste management strategy, an analysis of the measures to be taken to improve environmentally sound preparation for re-use, recycling, recovery and disposal of waste and an evaluation of how the waste management strategy will support the implementation of the objectives and provisions of the Waste Framework Directive.

6. The waste management strategy must include such matters as the Department considers appropriate, taking into account the geographical level and geographical area to which the waste management strategy relates and including at least the following—

(a) the type, quantity and source of waste generated within Northern Ireland;

(b) the waste likely to be shipped from or to Northern Ireland;

(c) an evaluation of the development of waste streams in the future;

(d) existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific European Union legislation;

(e) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure, and, if necessary the related investments;

(f) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary; and

(g) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.

7. The waste management strategy must include policies in relation to packaging waste, separate collection of waste, bio-waste and re-use and including—

(a) a chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 4 and 5 of the Packaging Waste Directive;

(b) measures to promote high quality recycling including the setting up of separate collections of waste where technically, environmentally and economically practicable;

(c) measures to encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste;

(d) measures to be taken to promote the re-use of products and preparation for re-use activities, in particular—

(i) measures to encourage the establishment and support of re-use and repair networks;

(ii) the use of economic instruments;

(iii) the use of procurement criteria; and

(iv) the setting of quantitative objectives.

8. The waste management strategy must include policies in relation to preparing for re-use, recovery and recycling targets including—

(a) measures to be taken to ensure that by 2020, at least 50% by weight of waste from households is prepared for re-use or recycled;

(b) measures to be taken to ensure that by 2020, at least 70% by weight of construction and demolition waste excluding—

(i) hazardous waste; and