STATUTORY RULES OF NORTHERN IRELAND

2003 No. 496

ENVIRONMENTAL PROTECTION

The Landfill Regulations (Northern Ireland) 2003

Made - - - -	*1st December 2003*
To be laid before Parliament	
Coming into operation	*6th January 2004*

The Department of the Environment, in exercise of the powers conferred upon it by Article 4 of the Environment (Northern Ireland) Order 2002(**1**), and of all other powers enabling it in that behalf and having, in accordance with Article 4(4) of that Order, consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies and persons appearing to it to be representative of the interests of industry, agriculture and business it considers appropriate and such other bodies or persons as it considers appropriate, hereby makes the following Regulations(**2**):

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Landfill Regulations (Northern Ireland) 2003 and shall come into operation on 6th January 2004.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations, unless the context otherwise requires –

(**1**) S.I.2002/3153 (N.I. 7)

(**2**) Article 4(7) of the 2002 Order requires that a draft of the Regulations be laid before, and be approved by a resolution of, the Assembly. Paragraph 7 of the Schedule to the Northern Ireland Act 2000 provides that those conditions do not apply while section 1 of that Act is in force

(**3**) 1954 c. 33 (N.I.)

"the 1978 Order" means the Pollution Control and Local Government (Northern Ireland) Order 1978(**4**);

"the 1997 Order" means the Waste and Contaminated Land (Northern Ireland) Order 1997(**5**);

"the 2002 Order" means the Environment (Northern Ireland) Order 2002;

"the 2003 Regulations" means the Pollution Prevention and Control Regulations (Northern Ireland) 2003(**6**);

"the Licensing Regulations" means the Waste Management Licensing Regulations (Northern Ireland) 2003(**7**);

"biodegradable waste" means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food or garden waste and paper and cardboard;

"Chief Inspector" has the same meaning as in the 2003 Regulations;

"disposal licence" means an existing disposal licence within the meaning of Article 47(1) of the 1997 Order;

"enforcing authority" has the same meaning as in the 2003 Regulations;

"hazardous waste" has the meaning given by regulation 7(2);

"holder" means the producer of waste or the person who is in possession of it;

"inert waste" has the meaning given by regulation 7(4);

"landfill" means a landfill to which these Regulations apply (see regulations 3 and 4);

"landfill gas" means any gas generated from landfilled waste;

"landfill permit" has the meaning given by regulation 6(2);

"leachate" means any liquid percolating through deposited waste and emitted from or contained within a landfill;

"municipal waste" means waste from households as well as other waste which because of its nature or composition is similar to waste from households;

"non-hazardous waste" has the meaning given by regulation 7(3);

"operator" has the meaning given by regulation 2(2) and (3) of the 2003 Regulations;

"relevant authorisation" means, in relation to a landfill, the landfill permit, waste management licence, disposal licence or resolution for the time being in force in relation to the landfill;

"relevant date" means the date of coming into operation of these regulations;

"relevant waste acceptance criteria" means, in relation to a landfill, the waste acceptance criteria set out in Schedule 1 which apply to the class of landfill to which that landfill belongs;

"resolution" means an existing resolution of a district council within the meaning of Article 47(1) of the 1997 Order;

"treatment" means physical, thermal, chemical or biological processes (including sorting) that change the characteristics of waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery;

"waste" means controlled waste within the meaning of Article 2(2) of the 1997 Order;

"waste management licence" means a waste management licence within the meaning of Article 6 of the 1997 Order;

(**4**) S.I. 1978/1049 (N.I. 19)
(**5**) S.I. 1997/2778 (N.I. 19)
(**6**) S.R. 2003 No. 46
(**7**) S.R. 2003 No. 493

and other expressions used in these Regulations which are also used in Council Directive 99/31/EC of 26th April 1999 on the landfill of waste(**8**) shall have the same meaning as in that Directive.

Application of regulations

3.—(1) Subject to regulation 4, these Regulations apply to landfills.

(2) Subject to paragraphs (3) and (4), for the purposes of these Regulations, a landfill is a waste disposal site for the deposit of the waste onto or into land.

(3) Landfills include –

(a) subject to paragraph (4), any site which is used for more than a year for the temporary storage of waste; and

(b) any internal waste disposal site, that is to say a site where a producer of waste is carrying out its own waste disposal at the place of production.

(4) Landfills do not include –

(a) any facility where waste is unloaded in order to permit its preparation for further transport for recovery, treatment or disposal elsewhere;

(b) any site where waste is stored as a general rule for a period of less than three years prior to recovery or treatment; or

(c) any site where waste is stored for a period of less than one year prior to disposal.

Cases where regulations do not apply

4. These Regulations do not apply to –

(a) the spreading of sludges (including sewage sludges and sludges resulting from dredging operations) and similar matter on the soil for the purposes of fertilisation or improvement;

(b) the use of suitable inert waste for redevelopment, restoration and filling-in work or for construction purposes;

(c) the deposit of –

(i) non-hazardous dredging sludges along the bank or towpath of a waterway from which they have been dredged where that activity falls within the exemption from waste management licensing in paragraph 25 of Part I of Schedule 2 to the Licensing Regulations;

(ii) non-hazardous sludges in surface waters, including the bed and its sub-soil; or

(d) any landfill which finally ceased to accept waste for disposal before the relevant date.

Location

5. A planning permission under the Planning (Northern Ireland) Order 1991(**9**) may be granted for a landfill only if the requirements of paragraph 1(1) of Schedule 2 to these Regulations have been taken into consideration.

Extension of categories of landfill subject to the 2003 Regulations etc.

6.—(1) At the end of Part A of section 5.2 in Part I of Schedule 1 to the 2003 Regulations (disposal of waste by landfill) insert –

(**8**) O.J. No. L182, 16.7.99, p. 1; the Directive was designated by Schedule 1 of the 2002 Order for the purposes of making regulations under Article 4 of that Order

(**9**) S.I. 1991/1220 (N.I. 11)

"(b) The disposal of waste in any other landfill".

(2) In these Regulations, "landfill permit" means the permit which is required by the 2003 Regulations for the carrying out of the disposal of waste in a landfill.

(3) Regulations 11 and 12(1) to (11) and (14) of the 2003 Regulations shall not apply to landfills.

(4) Paragraph 5(b) in Part I of Schedule 4, and paragraph 4(8)(b) in Part II of Schedule 7 to the 2003 Regulations (requirement to advertise in the Belfast Gazette), shall not apply to landfills falling within paragraph (b) of Part A of section 5.2 in Part 1 of Schedule 1 to those Regulations.

PART II

LANDFILL PERMITS

Classification of landfills

7.—(1) Before granting a landfill permit, the Chief Inspector shall classify the landfill –

(a) as a landfill for hazardous waste;

(b) as a landfill for non-hazardous waste; or

(c) as a landfill for inert waste,

and shall ensure that the classification is stated in the landfill permit.

(2) Hazardous waste means any waste as defined in Article 1(4) of Council Directive 91/689/EEC of 12th December 1991(**10**) (hazardous waste).

(3) Non-hazardous waste is waste which is not hazardous waste.

(4) Waste is inert waste if –

(a) it does not undergo any significant physical, chemical or biological transformations;

(b) it does not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm to human health; and

(c) its total leachability and pollutant content and the ecotoxicity of its leachate are insignificant and, in particular, do not endanger the quality of any surface water or groundwater.

Conditions to be included in landfill permits

8.—(1) A landfill permit shall include conditions specifying the list of defined types, and the total quantity, of waste authorised to be deposited in the landfill.

(2) A landfill permit shall also include appropriate conditions –

(a) specifying requirements for –

(i) preparations for, and the carrying out of, landfilling operations;

(ii) monitoring and control procedures, including contingency plans;

(b) ensuring that the financial provision required by regulation 4(3)(b)(**11**) of the 2003 Regulations is maintained until the permit is surrendered in accordance with those Regulations;

(**10**) O.J. No. L377, 31.12.91, p. 20 as amended by Council Directive 94/31/EC (O.J. No. L168, 2.7.94 p. 28)
(**11**) *See* paragraph 1(3) of Schedule 5 to these Regulations

(c) ensuring that the landfill is operated in such a manner that the necessary measures are taken to prevent accidents and to limit their consequences; and

(d) requiring the operator to report at least annually to the Chief Inspector on –

(i) the types and quantities of waste disposed of; and

(ii) the results of the monitoring programme required by regulations 14 and 15.

(3) A landfill permit shall also include –

(a) appropriate conditions for ensuring compliance with the requirements of the following provisions of these Regulations –

(i) Schedule 2 (General requirements for landfills);

(ii) regulation 9 (Prohibition of acceptance of certain wastes at landfills);

(iii) regulation 10 (Waste which may be accepted in the different classes of landfill);

(iv) regulation 11 (Costs of disposal of waste in landfills);

(v) regulation 12 (Waste acceptance procedures);

(vi) regulation 13 (Initial site inspections by the Chief Inspector);

(vii) regulation 14 (Control and monitoring of operational landfills);

(viii) regulation 15 (Closure and after-care procedures for landfills); and

(b) such other conditions as appear appropriate to the Chief Inspector, including in particular conditions giving effect to –

(i) any requirement imposed by Community or national legislation; and

(ii) in the case of landfills falling within paragraph (a) of Part A of section 5.2 in Part I of Schedule 1 to the 2003 Regulations, the principle that energy should be used efficiently.

(4) The provisions of these Regulations mentioned in paragraph (3)(a) above shall impose obligations directly on an operator of a landfill (rather than through the conditions of a landfill permit) only to the extent specified in paragraphs 1(14) and 3(3) to (5) of Schedule 4.

Prohibition of acceptance of certain wastes at landfills

9.—(1) The operator of a landfill shall not accept any of the following types of waste at the landfill –

(a) any waste in liquid form (including waste waters but excluding sludge);

(b) waste which, in the conditions of landfill, is explosive, corrosive, oxidising, flammable or highly flammable;

(c) hospital and other clinical wastes which arise from medical or veterinary establishments and which are infectious;

(d) chemical substances arising from research and development or teaching activities, such as laboratory residues, which are not identified or which are new, and whose effects on man or on the environment are not known;

(e) as from the relevant date, whole used tyres other than –

(i) tyres used as engineering material;

(ii) bicycle tyres; and

(iii) tyres with an outside diameter above 1400mm;

(f) as from 16th July 2006, shredded used tyres other than –

(i) bicycle tyres; and