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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 496**

**The Landfill Regulations (Northern Ireland) 2003**

**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<sup>(1)</sup> 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 –

“the 1978 Order” means the Pollution Control and Local Government (Northern Ireland) Order 1978<sup>(2)</sup>;

“the 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>(3)</sup>;

“the 2002 Order” means the Environment (Northern Ireland) Order 2002;

“the 2003 Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003<sup>(4)</sup>;

“the Licensing Regulations” means the Waste Management Licensing Regulations (Northern Ireland) 2003<sup>(5)</sup>;

“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);

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(1) 1954 c. 33 (N.I.)

(2) S.I.1978/1049 (N.I. 19)

(3) S.I. 1997/2778 (N.I. 19)

(4) S.R. 2003 No. 46

(5) S.R. 2003 No. 493

- “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;

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<sup>(6)</sup> 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.

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(6) 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

#### **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(7) 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 –

“(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<sup>(8)</sup> (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)<sup>(9)</sup> of the 2003 Regulations is maintained until the permit is surrendered in accordance with those 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

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<sup>(8)</sup> 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)

<sup>(9)</sup> See paragraph 1(3) of Schedule 5 to these Regulations

(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
  - (ii) tyres with an outside diameter above 1400mm; and
- (g) any waste which does not fulfil the relevant waste acceptance criteria.

(2) The operator of a landfill shall ensure that the landfill is not used for landfilling waste which has been diluted or mixed solely to meet the relevant waste acceptance criteria.

(3) For the purposes of this regulation, waste is –

“corrosive” if it consists of substances and preparations which may destroy living tissue on contact;

“explosive” if it consists of substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene;

“flammable” if it consists of liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C;

“highly flammable” if it consists of –

- (a) liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids);
- (b) substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy;
- (c) solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition;
- (d) gaseous substances and preparations which are flammable in air at normal pressure;

- (e) substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities;  
“infectious” if it consists of substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms; or  
“oxidising” if it consists of substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

### **Waste which may be accepted in the different classes of landfill**

**10.**—(1) The operator of a landfill shall ensure that the landfill is only used for landfilling waste which is subject to prior treatment unless –

- (a) it is inert waste for which treatment is not technically feasible; or
- (b) it is waste other than inert waste and treatment would not reduce its quantity or the hazards which it poses to human health or the environment.

(2) The operator of a landfill for hazardous waste shall ensure that only waste which fulfils the waste acceptance criteria in paragraphs 1 and 2 of Schedule 1 is accepted at the landfill

(3) The operator of a landfill for non-hazardous waste shall ensure that the landfill is only used for landfilling –

- (a) municipal waste;
- (b) non-hazardous waste of any other origin which fulfils the waste acceptance criteria in paragraphs 1 and 3(1)(b) of Schedule 1; and
- (c) stable, non-reactive hazardous waste (such as that which is solidified) with leaching behaviour equivalent to that of non-hazardous waste referred to in sub-paragraph (b) and which fulfils the waste acceptance criteria in paragraphs 1 and 3(1)(a) of Schedule 1.

(4) Where hazardous waste of the type described in paragraph (3)(c) is disposed of at a landfill for non-hazardous waste, the operator shall ensure it is not deposited in cells used or intended to be used for the disposal of biodegradable non-hazardous waste.

(5) The operator of a landfill for inert waste shall ensure that the landfill is only used for landfilling inert waste which meets the waste acceptance criteria in paragraphs 1 and 4 of Schedule 1.

### **Costs of disposal of waste in landfills**

**11.**—(1) The operator of a landfill shall ensure that the charges it makes for the disposal of waste in its landfill covers all of the following –

- (a) the costs of setting up and operating the landfill;
- (b) the costs of the financial provision required by regulation 4(3)(b) of the 2003 Regulations; and
- (c) the estimated costs for the closure and after-care of the landfill site for a period of at least 30 years from its closure.

### **Waste acceptance procedures**

**12.**—(1) The operator of a landfill shall visually inspect the waste at the entrance to the landfill and at the point of the deposit and shall satisfy himself that it conforms to the description provided in the documentation submitted by the holder.

(2) The operator of a landfill shall, in accordance with such procedures as are specified by the Department, test waste to establish whether it corresponds to the description in the accompanying

documents and, if representative samples are taken for analysis, the operator shall retain the samples and results of any analysis for at least one month.

- (3) The operator of a landfill shall keep a register showing –
- (a) the quantities of waste deposited;
  - (b) its characteristics;
  - (c) its origin;
  - (d) the dates of its delivery;
  - (e) the identity of the producer or, in the case of municipal waste, the collector; and
  - (f) in the case of hazardous waste, its precise location on the site.

(4) The information required to be kept under paragraph (3) shall be made available to the Chief Inspector on request.

(5) The operator of a landfill on accepting each delivery of waste shall provide a written receipt to the person delivering it.

(6) Where waste is not accepted at a landfill, the operator shall inform the Chief Inspector of that fact as soon as reasonably possible.

#### **Initial site inspections by the Chief Inspector**

**13.**—(1) The operator of a landfill shall not commence disposal operations before the Chief Inspector has inspected the site in order to ensure that it complies with the relevant conditions of the landfill permit.

(2) Nothing in paragraph (1) in any way reduces the obligations of the operator to comply with the conditions of the landfill permit

#### **Control and monitoring of operational landfills**

**14.**—(1) The following requirements shall apply to landfills from the start of the operational phase until definitive closure.

(2) The operator shall carry out the control and monitoring procedures set out in Schedule 3.

(3) Where the procedures required by paragraph (2) reveal any significant adverse environmental effects, the operator shall notify the Chief Inspector as soon as reasonably possible.

(4) When it receives a notification of significant adverse environmental effects in accordance with paragraph (3), the Chief Inspector shall determine the nature and timing of corrective measures that are necessary and shall require the operator to carry them out.

(5) The operator shall report at intervals specified by the Chief Inspector, on the basis of aggregated data, the results of monitoring and on such other matters which the Chief Inspector requires to demonstrate compliance with the conditions of the landfill permit or to increase his knowledge of the behaviour of waste in landfill.

- (6) The operator shall ensure that quality control of –
- (a) analytical operations of control and monitoring procedures; and
  - (b) analyses of representative samples taken in accordance with regulation 12(2),

is carried out by competent laboratories.

#### **Closure and after-care procedures for landfills**

**15.**—(1) The following closure and after-care procedures shall apply to all landfills.

(2) The procedures may relate to the closure of the whole of the landfill or part of it.

- (3) The closure procedure shall begin –
  - (a) when the conditions specified in the landfill permit are satisfied
  - (b) when the Chief Inspector approves the initiation of the closure procedure following a request from the operator; or
  - (c) by a reasoned decision of the Chief Inspector which shall be set out in a closure notice served on the operator in accordance with regulation 16.
- (4) A landfill shall not be definitively closed until –
  - (a) such reports as may be required by the Chief Inspector have been submitted to it by the operator; and
  - (b) the Chief Inspector –
    - (i) has assessed all the reports submitted by the operator;
    - (ii) has carried out a final on-site inspection; and
    - (iii) has notified the operator by notice in writing that he approves the closure.
- (5) Following definitive closure of a landfill, after-care procedures shall ensure that –
  - (a) the operator remains responsible for the maintenance, monitoring and control for such period as the Chief Inspector determines is reasonable, taking into account the time during which the landfill could present hazards;
  - (b) the operator notifies the Chief Inspector of any significant adverse environmental effects revealed by the control procedures and takes the remedial steps required or approved by the Chief Inspector; and
  - (c) the operator is responsible for monitoring and analysing landfill gas and leachate from the landfill and the groundwater regime in its vicinity in accordance with Schedule 3 for as long as the Chief Inspector considers that the landfill is likely to cause a hazard to the environment.
- (6) Notwithstanding regulation 19 of the 2003 Regulations (Application to surrender a permit for a Part A installation or Part A mobile plant) and regulation 21 of the 2003 Regulations (Revocation of permits), the Chief Inspector shall not accept any complete or partial surrender of a landfill permit, or revoke it in whole or part, for as long as it considers that the landfill (or the relevant part of it) is likely to cause a hazard to the environment.
- (7) The operator shall not be relieved from liability under the conditions of the landfill permit by reason of the Chief Inspector’s approval of closure under paragraph (4)(b)(iii).

### **Closure Notices**

- 16.**—(1) Where the Chief Inspector has taken a reasoned decision under regulation 15(3)(c), he shall serve a closure notice under this regulation (“a closure notice”) on the operator of the landfill.
- (2) A closure notice shall –
    - (a) state the Chief Inspector’s reasons for requiring initiation of the closure procedure;
    - (b) specify the steps the operator is required to take to initiate the procedure; and
    - (c) the period within which they must be taken.
  - (3) The Chief Inspector may withdraw a closure notice at any time.



## PART III

### MISCELLANEOUS

#### **Offences**

17.—(1) It shall be an offence for a operator of a landfill to contravene –

- (a) regulation 9 as applied by paragraph 1(14) of Schedule 4;
- (b) regulation 12 as applied by paragraph 3(3)(a) of Schedule 4;
- (c) regulation 10(1) or (2) in both cases as applied by paragraph 3(3)(b) of Schedule 4; or
- (d) paragraph 3(5) of Schedule 4.

(2) A person who is guilty of an offence under paragraph (1) shall be liable –

- (a) on summary conviction, to a fine not exceeding £30,000 or to imprisonment for a term not exceeding six months or to both; and
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both.

(3) For the purposes of this Regulation, section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words ‘the liability of whose members is limited’.

(4) Where the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(5) Where the commission by any person of an offence under this regulation is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first-mentioned person.

#### **Transitional provisions**

18. Schedule 4 (which contains transitional provisions) shall have effect.

#### **Consequential Amendments**

19. Schedule 5 (which makes amendments to other statutory provisions consequent on the provisions of these Regulations) shall have effect.

Sealed with the Official Seal of the Department of the Environment on 1st December 2003.

L.S.

*Judena Goldring*  
A Senior Officer of the  
Department of the Environment