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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.