

SCHEDULE 1

Regulation 6

PROVISIONS OF THESE REGULATIONS FROM WHICH LANDFILLS FALLING WITH REGULATION 6 ARE EXEMPT

- (a) Regulation 10 (conditions to be included in landfill permits) paragraph (2)(a)(ii) in so far as it relates to paragraph 4 of Schedule 4;
- (b) Regulation 10(2)(b);
- (c) Regulation 10(2)(d)(ii) in so far as it relates to regulation 16(2) and (6);
- (d) Regulation 10(3)(a)(i) in so far as it relates to paragraphs 3 and 4 of Schedule 3;
- (e) Regulation 10(3)(a)(iii) in so far as it relates to—
 - (i) regulation 12(2)
 - (ii) regulation 12(3)(b);
 - (iii) regulation 12(3)(c); and
 - (iv) 12(5);in so far as they relate to paragraph 1 of Schedule 2;
- (f) Regulation 10(3)(a)(iv);
- (g) Regulation 10(3)(a)(v) except as it relates to regulation 14(3)(a);
- (h) Regulation 10(3)(a)(vii) in so far as it relates to regulation 16(2) and 16(6);
- (i) Regulation 12(2), 12(3)(b), 12(3)(c) and 12(5) (waste which may be accepted in the different classes of landfill) in so far as they relate to paragraph 1 of schedule 2;
- (j) Regulation 13 (costs of disposal of waste in landfill);
- (k) Regulation 14(1), (2), (3)(b) – (f), (4) and (5) (waste acceptance procedures);
- (l) Regulation 16(2) and (6) (control and monitoring of operational landfill sites);
- (m) Regulation 19(1)(a) as it relates to regulation 14(1), (2), (3)(b)-(f), (4) and (5);
- (n) Regulation 19(1)(b) in so far as it relates to regulation 12(2) as it relates to paragraph 1 of Schedule 2;
- (o) Schedule 2 (national waste acceptance criteria) paragraph (1);
- (p) Schedule 3 (general requirements for all landfills) paragraphs (3) and (4);
- (q) Schedule 4 (minimum monitoring procedures for landfills);
- (r) Schedule 5 (existing landfills: transitional provisions), paragraph 3(1)(a)(ii) except as it relates to regulation 14(3)(a).

SCHEDULE 2

Regulations 2 and 12

WASTE ACCEPTANCE CRITERIA

Criteria for acceptance of waste which apply to all kinds of landfill

1.—(1) The following criteria shall apply to the acceptance of waste at any landfill.

(2) Waste may only be accepted at a landfill provided its acceptance would not compromise the protection—

- (a) of the surrounding environment, in particular groundwater and surface water;

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- (b) of the protection of environmental protection systems such as liners and leachate treatment systems;
- (c) of the protection of the desired waste-stabilisation processes within the landfill; and
- (d) against human health hazards.

Additional criteria for acceptance of waste at landfills for hazardous waste

2. Waste may only be accepted at a landfill for hazardous waste if—
 - (a) it is listed on the Hazardous Waste List of the European Waste Catalogue⁽¹⁾ or has similar characteristics to those so listed; and
 - (b) its total content or leachability—
 - (i) does not present a short term occupational risk or an environmental risk; and
 - (ii) would not prevent the stabilisation of the landfill within its projected lifetime taking account of its after care period following closure.

Additional criteria for acceptance of waste at landfills for non-hazardous waste

3. Waste may only be accepted at a landfill for non-hazardous waste if it is—
 - (a) listed on the Hazardous Waste List of the European Waste Catalogue or has similar characteristics to those so listed and its deposit at the landfill otherwise meets the requirements of regulation 12(3)(c) and (4); or
 - (b) any other waste listed on the European Waste Catalogue or has similar characteristics to those so listed.

Additional criteria for acceptance of waste at landfills for inert waste

4. Waste may only be accepted at a landfill for inert waste if it is listed in the following Table or it otherwise falls within the definition of inert waste in regulation 2(1).

Waste acceptable at landfills for inert waste

<i>European Waste Catalogue Chapter</i>	<i>European Waste Catalogue Code</i>	<i>Description</i>	<i>Exclusions</i>
10 – Wastes from thermal processes	10 11 03	Waste glass based fibrous materials	
15 – Waste packaging; absorbents, wiping cloths, filter materials and protective clothing not otherwise specified	15 01 07	Glass packaging	
17 – Construction and demolition wastes	17 01 07	Concrete	Excluding topsoil, peat
(including excavated soil from contaminated sites)	17 01 02	Bricks	
	17 01 03	Tiles and ceramics	
	17 02 02	Glass	

(1) Council Decision [2000/532/EC](#) (O.J. L 226, 6.9.2000 p.3) as amended by Council Decisions [2001/118/EC](#) (O.J. L 47, 16.2.2001, p.32) and [2001/119/EC](#) (O.J. L 203, 28.7.2001, p.18).

<i>European Waste Catalogue Chapter</i>	<i>European Waste Catalogue Code</i>	<i>Description</i>	<i>Exclusions</i>
	17 05 04	Soil and stones	
20 – Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions	20 01 02	Glass	Excluding topsoil, peat
	20 02 02	Soil and stones	

SCHEDULE 3

Regulations 5 and 10(3)(a)(i)

GENERAL REQUIREMENTS FOR ALL LANDFILLS

Location

- 1.—(1) The location of a landfill must take into consideration requirements relating to—
- (a) the distances from the boundary of the site to residential and recreational areas, waterways, water bodies and other agricultural or urban sites;
 - (b) the existence of groundwater, coastal water or nature protection zones in the area;
 - (c) the geological or hydrogeological conditions in the area;
 - (d) the risk of flooding, subsidence, landslides or avalanches on the site; and
 - (e) the protection of the natural or cultural heritage in the area.
- (2) A landfill permit may be issued for the landfill only if—
- (a) the characteristics of the site with respect to the requirements in sub-paragraph (1), or
 - (b) the corrective measures to be taken,

indicate that the landfill does not pose a serious environmental risk.

(3) In this paragraph “nature protection zone” means land which has been notified under section 28 of the Wildlife and Countryside Act 1981⁽²⁾ or a European site within the meaning of regulation 10(1) of the Conservation (Natural Habitats, &c.) Regulations 1994⁽³⁾.

Water control and leachate management

- 2.—(1) Subject to sub-paragraphs (2) and (3), appropriate arrangements shall be made having regard to the characteristics of the landfill and prevailing meteorological conditions in order to –
- (a) control rainwater entering the landfill body;
 - (b) prevent surface water or groundwater from entering into landfilled waste;
 - (c) collect contaminated water and leachate and treat it to the appropriate standard so it can be discharged.

(2) 1981 c. 69.

(3) See S.I.1994/2716.

(2) Arrangements need not be made in accordance with sub-paragraph (1)(c) if SEPA decides that the landfill poses no potential hazard to the environment in view of its location and the kinds of waste to be accepted at the landfill.

(3) This paragraph does not apply to inert landfills.

Protection of soil and water and leachate collection and sealing systems

3.—(1) The landfill must be situated and designed so as to –

- (a) provide the conditions for prevention of pollution of the soil, groundwater or surface water; and
- (b) ensure efficient collection of leachate as and when required by paragraph 2.

(2) Soil, groundwater and surface water is to be protected by the use of a geological barrier combined with–

- (a) a bottom liner during the operational phase of the landfill; and
- (b) a top liner following closure and during the after-care phase.

(3) The geological barrier shall comply with the requirements of sub-paragraph (4) and shall also provide sufficient attenuation capacity to prevent a potential risk to soil and groundwater.

(4) The landfill base and sides shall consist of a mineral layer which provides protection of soil, groundwater and surface water at least equivalent to that resulting from the following permeability and thickness requirements–

- (a) in a landfill for hazardous waste: $K \leq 1.0 \times 10^{-9}$ metre/second: thickness ≥ 5 metres;
- (b) in a landfill for non-hazardous waste: $K \leq 1.0 \times 10^{-9}$ metre/second: thickness ≥ 1 metre;
- (c) in a landfill for inert waste: $K \leq 1.0 \times 10^{-7}$ metre/second: thickness ≥ 1 metre.

(5) Where the geological barrier does not meet the requirements of sub-paragraph (4) naturally, it may be completed artificially and reinforced by other means giving equivalent protection, but in any such case a geological barrier established by artificial means must be at least 0.5 metres thick.

(6) A leachate collection and sealing system to ensure that leachate accumulation at the base of the landfill is kept to a minimum must also be provided in any hazardous or non-hazardous landfill in accordance with the following table:

Leachate collection and bottom sealing

<i>Landfill category</i>	<i>Non-hazardous</i>	<i>Hazardous</i>
Artificial sealing liner	Required	Required
Drainage liner ≥ 0.5 metres	Required	Required

(7) Where the potential hazards to the environment indicate that the prevention of leachate formation is necessary, surface sealing may be required taking account of the following guidelines:–

<i>Landfill category</i>	<i>Non-hazardous</i>	<i>Hazardous</i>
Gas drainage layer	Required	Not required
Artificial sealing liner	Not required	Required
Impermeable mineral layer	Required	Required
Drainage layer > 0.5 metres	Required	Required

<i>Landfill category</i>	<i>Non-hazardous</i>	<i>Hazardous</i>
Top soil cover > 1 metre	Required	Required

(8) The requirements of sub-paragraphs (3) to (7) may be reduced to an appropriate extent if on the basis of an assessment of environmental risks, having regard in particular to Directive [80/68/EEC](#)(4)–

- (a) it has been decided in accordance with paragraph 2 that the collection and treatment of leachate is not necessary; or
- (b) it is established that the landfill poses no potential hazard to soil, groundwater or surface water.

Gas control

4.—(1) Appropriate measures must be taken in order to control the accumulation and migration of landfill gas.

(2) Landfill gas must be collected from all landfills receiving biodegradable waste and the landfill gas must be treated and, to the extent possible, used.

(3) The collection, treatment and use of landfill gas under sub-paragraph (2) must be carried on in a manner which minimises damage to or deterioration of the environment and risk to human health.

(4) Landfill gas which cannot be used to produce energy must be flared.

Nuisances and hazards

5.—(1) Measures must be taken to minimise the nuisances and hazards arising from the landfill in relation to–

- (a) emissions of odours and dust;
- (b) wind-blown materials;
- (c) noise and traffic;
- (d) birds, vermin and insects;
- (e) formation of aerosols; and
- (f) fires.

(2) The landfill must be equipped so that dirt originating from the site is not dispersed onto public roads and the surrounding land.

Stability

6.—(1) The placement of waste must ensure stability of all the waste on the site, and associated structures, and in particular must avoid slippages.

(2) Where an artificial barrier is used, the geological substratum must be sufficiently stable, taking into account the morphology of the landfill, to prevent settlement that may cause damage to the barrier.

Site security

7.—(1) The landfill must be secured to prevent free access to the site.

(2) The gates of the landfill must be locked outside operating hours.

(4) O.J. No. L 20, 26.1.80, p.43 as amended by Directive [91/692/EEC](#) O.J. No. L 377, 31.12.91, p.48.

(3) The system of control and access to each facility must contain a programme of measures to detect and discourage illegal dumping in the facility.

SCHEDULE 4

Regulations 16(2) and 17(5)(c)

MINIMUM MONITORING PROCEDURES FOR LANDFILLS

Application of this Schedule

1. This Schedule sets out minimum procedures for monitoring to be carried out to check—
 - (a) that waste has been accepted for disposal only if it fulfils the relevant waste acceptance criteria;
 - (b) that the processes within the landfill proceed as required;
 - (c) that environmental protection systems are functioning fully as intended; and
 - (d) that the conditions of the landfill permit are fulfilled.

Emission data: water, leachate and gas control

- 2.—(1) Samples of leachate or surface water (if present) must be collected at representative points.
- (2) Sampling and measuring of the volume and composition of any leachate must be performed separately at each point at which leachate is discharged from the site.
- (3) Monitoring of surface water (if present) shall take place at at least two points, one upstream from the landfill and one downstream.
- (4) Gas monitoring must be carried out for each section of the landfill and representative samples must be collected and analysed in accordance with Table 1.
- (5) A sample of leachate and water representative of the average composition, shall be taken for monitoring purposes in accordance with Table 1.

TABLE 1

	<i>Operational phase</i>	<i>After-care phase⁽³⁾</i>
Leachate volume ⁽²⁾	Monthly ^{(1), (3)}	Every six months
Leachate composition ⁽²⁾⁽⁴⁾	Quarterly ⁽¹⁾	Every six months
Volume and composition of surface water ⁽⁵⁾	Quarterly ⁽¹⁾	Every six months
Potential gas emissions and atmospheric Pressure ⁽⁶⁾ (CH ₄ , CO ₂ , O ₂ , H ₂ S, H ₂ etc)	Monthly ^{(1), (7)}	Every six months ⁽⁸⁾

Notes to Table 1

- (1) Longer intervals may be allowed if the evaluation of data indicates that they would be equally effective. For leachates, the conductivity must always be measured at least once a year.
- (2) These do not apply where leachate collection is not required under paragraph 2(1)(c) of Schedule 3.
- (3) The frequency of sampling may be adapted on the basis of the morphology of the landfill waste (in tumulus, buried, etc) (but only if SEPA considers that the conditions of the landfill permit should allow for it).

- (4) The parameters to be measured and substances to be analysed vary according to the composition of the waste deposited. They must be specified in the conditions of the landfill permit and reflect the leaching characteristics of the wastes.
- (5) On the basis of the characteristics of the landfill site, SEPA may determine that these measurements are not required.
- (6) These measurements are related mainly to the content of the organic material in the waste.
- (7) CH₄, CO₂, O₂ regularly, other gases as required, according to the composition of the waste deposited, with a view to reflecting its leaching properties.
- (8) Efficiency of the gas extraction system must be checked regularly.

Protection of groundwater : Sampling

3.—(1) The sampling measurements must be sufficient to provide information on groundwater likely to be affected by the discharge from the landfill, with at least one measuring point in the groundwater inflow region and two in the outflow region.

(2) The number of measurements referred to in sub-paragraph (1) may be increased on the basis of a specific hydrogeological survey on the need for an early identification of accidental leachate release in the groundwater.

(3) Sampling must be carried out in at least three locations before the filling operations in order to establish reference values for future sampling.

Protection of groundwater : Monitoring

4.—(1) The monitoring of groundwater shall be carried out in accordance with Table 2.

(2) The parameters to be analysed in the samples taken must be derived from the expected composition of the leachate and the groundwater quality in the area.

(3) In selecting the parameters for analysis the mobility in the groundwater zone must be taken into account.

(4) Parameters may include indicator parameters in order to ensure an early recognition of change in water quality. The recommended parameters are pH, TOC, phenols, heavy metals, fluoride, As, oil/hydrocarbons.

TABLE 2

	<i>Operational phase</i>	<i>After-care phase</i>
Level of groundwater	Every six months ⁽¹⁾	Every six months ⁽¹⁾
Groundwater composition	Site-specific frequency ⁽²⁾ , ⁽³⁾	Site-specific frequency ⁽²⁾ , ⁽³⁾

Notes to Table 2

- (1) If there are fluctuating groundwater levels, the frequency must be increased.
- (2) The frequency must be based on the possibility for remedial action between two samplings if a trigger level is reached, i.e. the frequency must be determined on the basis of knowledge and the evaluation of the velocity of groundwater flow.
- (3) When a trigger level is reached (see paragraph 5), verification is necessary by repeating the sampling. When the level has been confirmed, a contingency plan set out in the landfill permit conditions must be followed.

Protection of groundwater : Trigger levels

5.—(1) Significant adverse environmental effects, as referred to in regulations 16(3) and 17(5)(b), should be considered to have occurred in the case of groundwater, when an analysis of a groundwater sample shows a significant change in water quality.

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(2) The level at which the effects referred to in sub-paragraph (1) are considered to have occurred (“the trigger level”) must be determined taking account of the specific hydrogeological formations in the location of the landfill and groundwater quality.

(3) The trigger level must be set out in the conditions of a landfill permit whenever possible.

(4) The observations must be evaluated by means of control charts with established control rules and levels for each downgradient well.

(5) The control levels must be determined from local variations in groundwater quality.

Topography of the site: data on the landfill body

6. The topography of the site and settling behaviour of the landfill body shall be monitored in accordance with Table 3.

TABLE 3

	<i>Operating phase</i>	<i>After-care phase</i>
Structure and composition of landfill body ⁽¹⁾	Yearly	
Settling behaviour of the level of the landfill body	Yearly	Yearly reading
Note to Table 3		
(1) Data for the status plan of the concerned landfill: surface occupied by waste, volume and composition of waste, methods of depositing, time and duration of depositing, calculation of the remaining capacity still available at the landfill.		

SCHEDULE 5

Regulation 20

TRANSITIONAL PROVISIONS

Existing landfills : transitional provisions

1.—(1) Subject to sub-paragraph (2), this regulation shall apply to a landfill if—

- (a) it is already in operation on the relevant date; or
- (b) it has not been brought into operation by that date but the relevant authorisation for its operation was granted before that date.

(2) A landfill to which this paragraph applies which falls within paragraph (b) of Part A of Section 5.2 in Part 1 of Schedule 1 to the 2000 Regulations shall be treated as an existing installation for the purposes of Part 1 of Schedule 3 to those Regulations.

(3) Subject to sub-paragraph (4), where—

- (a) the operator has notified SEPA that the operator does not propose to accept waste for disposal after 16th July 2002;
- (b) SEPA decides, following the submission by the operator of a conditioning plan, as required by article 14(a) of Directive 99/31/EC on the landfill of waste, that there is no reasonable prospect of the landfill or part of it meeting the relevant requirements of these Regulations, (such decision and the reasons for it to be set out in a notice served on the operator); or
- (c) the operator has failed to submit a conditioning plan or has failed to notify SEPA that the operator does not propose to accept waste after 16th July 2002,

SEPA shall ensure that closure of the landfill site (in whole or in part) takes place as soon as possible in accordance with regulation 17.

(4) Where the operator proposes to continue to accept waste but has failed to submit a conditioning plan the relevant authorisation shall cease to have effect so as to authorise the disposal of waste at the landfill, and SEPA shall proceed with the closure of the site under sub-paragraph (3) unless and until the operator submits a conditioning plan and SEPA has agreed to consider it.

(5) In any case falling within paragraph (3)–

(a) regulation 17 shall apply as if–

(i) references to a landfill permit were references to a relevant authorisation; and

(ii) where the relevant authorisation is a waste management licence, references to the operator were references to the licence holder; and

(iii) in paragraph (6) after “revocation of permits)” there were inserted “and sections 38, 39 and 42 of the Environmental Protection Act 1990 (revocation, suspension and surrender of waste management licences)”;

(b) SEPA shall, if necessary, by notice in writing served on the operator or, in the case of a waste management licence, the licence holder, vary the conditions of the relevant authorisation so that–

(i) waste is no longer accepted for disposal on the whole or the relevant part of the landfill site from such date as is specified in the notice; and

(ii) the closure and after care procedures will operate in accordance with regulation 17.

(6) In any case where the whole of a landfill site is not subject to closure under sub-paragraph (3), SEPA shall by notice served on the operator specify the period (which shall not be less than six months) within which an application must be made (accompanied by a copy of the conditioning plan)–

(a) where no landfill permit is in force, for a landfill permit under regulation 7 of the 2000 Regulations; or

(b) where a landfill permit is in force, for a variation of the permit under regulation 13(2) of the 2000 Regulations,

so that waste may continue to be accepted for disposal at the landfill.

(7) In any case falling within sub-paragraph (6)(b), if an application is not duly made within the period specified in the notice served on the operator under that provision, the landfill permit shall cease to authorise the disposal of waste at the landfill until the application is duly made.

(8) Where SEPA decides to grant or vary a landfill permit pursuant to an application made in accordance with sub-paragraph (6), SEPA shall specify the date or dates on which the permit conditions authorised or required by these Regulations take effect.

(9) SEPA shall exercise its powers under sub-paragraphs (6) and (8)–

(a) on the basis of an assessment of environmental risks; and

(b) with a view to achieving full compliance with the relevant requirements of these Regulations–

(i) as soon as possible; and

(ii) for landfills falling within Part A(a) of Section 5.2 of Part I of Schedule 1 to the 2000 Regulations by 31st March 2007 at the latest; and

(iii) for landfills falling within Part A(b) of Section 5.2 of Part I of Schedule 1 to the 2000 Regulations by 16th July 2009.

(10) In this Schedule “the relevant requirements of these Regulations” do not include the requirements of paragraph 1 of Schedule 3.

2.—(1) Paragraph 1 does not apply to a landfill if—

- (a) a landfill permit for its operation was granted on or after 16th July 2001 and before the relevant date;
- (b) it falls within Part A(b) of Section 5.2 in Part 1 of Schedule 1 to the 2000 Regulations and a waste management licence for its operation was granted on or after 16th July 2001 and before the relevant date; or
- (c) the prescribed date determined in accordance with Schedule 3 to the 2000 Regulations for the installation at which the landfill activity is carried out is before the relevant date and an application for a landfill permit was duly made (but not determined) before the relevant date.

(2) In any case falling within sub-paragraph (1)(b), the waste management licence shall have effect on or after the relevant date as if it were a landfill permit.

(3) In any case falling within sub-paragraph (1) SEPA shall exercise its power to vary the relevant authorisation (or determine the outstanding application) so that the relevant requirements of these Regulations are complied with as soon as possible in relation to the landfill in question.

(4) In any case falling within sub-paragraph (1)(c), where an application for a waste management licence is also outstanding on the relevant date there shall be no obligation on SEPA to determine the application for a waste management licence.

3.—(1) The following provisions of these Regulations impose obligations directly on the operator of any landfill which is for the time being classified as a landfill for hazardous waste pending determination of an application made pursuant to paragraph 1(6)—

- (a) on or after the relevant date—
 - (i) regulation 11 (prohibition of acceptance of certain wastes); and
 - (ii) regulation 14 (waste acceptance procedures);

(b) on or after 16th July 2004, regulation 12(1) and (2) (waste acceptance requirements).

(2) For the purposes of applying regulation 11(1)(g) under sub-paragraph 3(1)(a)(i) in relation to the period beginning on the relevant date and ending on 15th July 2004, only the criteria in paragraph 1 of Schedule 2 are to be treated as relevant waste acceptance criteria.

(3) The operator of a landfill which is not classified as a landfill for hazardous waste shall only accept hazardous waste at that landfill on or after the relevant date in the circumstances specified in regulation 12(3)(c) and (4).

4.—(1) This paragraph shall apply to any landfill if –

- (a) it falls within of Part A(b) of Section 5.2 in Part 1 of Schedule 1 to the 2000 Regulations; and
- (b) it has not been brought into operation by relevant date but an application for a waste management licence was duly made before that date.

(2) Paragraph 1 of Part 1 of Schedule 3 to the 2000 Regulations shall apply as if in subparagraphs (a) and (b) “the relevant date” were substituted for “1st January 2001”.

(3) Anything duly done by or in relation to the application for a waste management licence shall be treated as if it had been duly done in relation to an application for a landfill permit.

(4) SEPA may give the applicant notice requiring him—

- (a) to provide such further information of any description specified in the notice; or

- (b) to take such further steps as it may require for the purpose of determining the application.

SCHEDULE 6

Regulation 21

AMENDMENTS TO OTHER LEGISLATION

Amendment to the Environment Act 1995(5)

1. In section 41(2) of the Environment Act 1995 after subsection (f) there is added—
- “(g) any other approval, consent, consideration or determination carried out by the Agency relating to any obligations of the United Kingdom under the Community Treaties or any application for such an approval of consent, consideration or determination.”

Amendment to the Environmental Protection (Duty of Care) Regulations 1991(6)

2. In regulation 2(2)(a) (contents of transfer notes) of the Environmental Protection (Duty of Care) Regulations 1991 after “identify the waste to which it relates” there is inserted “by reference to the appropriate six-digit codes in the European Waste Catalogue.(7)”.

Amendment to the 2000 Regulations

- 3.—(1) The 2000 Regulations are amended as follows.
- (2) In regulation 2(1) (Interpretation: general)—
- (a) before the definition of “change in operation” there is inserted ““the 2003 Regulations” means the Landfill (Scotland) Regulations 2003;”
- (b) after the definition of “installation” there is inserted ““landfill” means a landfill to which the Landfill (Scotland) Regulations 2003 apply;” and
- (c) after the definition of “pollution” there is inserted ““the relevant date” has the meaning given by regulation 1(1) of the 2003 Regulations;”.
- (3) In regulation 4 (fit and proper person)—
- (a) in paragraph (3) for subparagraphs (b) and (c) there is substituted —
- “(b) for those sites to which regulation 6 of the 2003 Regulations does not apply that person has not made, or will not before commencement of the specified waste management activity make, adequate financial provision (either by way of financial security or its equivalent) to ensure that—
- (i) the obligations (including after-care provisions) arising from the permit in relation to that activity are discharged; and
- (ii) any closure procedures required by the permit in relation to that activity are followed;
- (c) that person and all staff engaged in carrying out that activity will not be provided with adequate professional technical development and training; or

(5) 1995 c. 25.

(6) S.I. 1991/2839; relevant amendments were made by S.I. 2000/1973.

(7) Council Decision 2000/532/EC (O.J. L 226, 6.9.2000, p.3) as amended by Council Decisions 2001/118/EC (O.J. L 47, 16.2.2001, p.1), 2001/119/EC (O.J. L 47, 16.2.2001 p.32) and 2001/573/EC (O.J. L 203, 28.7.2001, p.18)

- (d) the management of that activity will not be in the hands of a technically competent person.”; and
- (b) in paragraph (5)(b) for “paragraph (3)(b)” there is substituted “paragraph (3)(d)”.
- (4) In regulation 7(2) (permits: general provisions) after “regulation 9” there is inserted “(or the applicable provisions of regulation 10 of the 2003 Regulations)”.
- (5) In regulation 9(15) (Conditions: specific requirements) after “this regulation” there is inserted “or the appropriate provisions of regulation 10 of the 2003 Regulations”.
- (6) In regulation 13(1) and (4) (variation of permit) after “regulations 8 and 9” there is inserted “or regulation 10 of the 2003 Regulations”.
- (7) In regulation 22 (appeals to the Scottish Ministers and the sheriff)–
 - (a) in paragraph (1) after sub-paragraph (e) there is inserted–
 - “(f) a person whose request to initiate the closure procedure is not approved under regulation 17(3)(b) of the 2003 Regulations;
 - (g) a person who is aggrieved by a decision under paragraph 1(3)(b) of Schedule 5 to the 2003 Regulations”;
 - (b) in paragraph (2) for “or a suspension notice” there is substituted “a suspension notice or a closure notice under regulation 18(1) of the 2003 Regulations”;
 - (c) after paragraph (10) there is inserted–
 - “(10A) Where an appeal is brought under paragraph (1)(g) in relation to a requirement to initiate the closure procedure or under paragraph (2) in relation to a closure notice, the closure procedure shall not be initiated pending the final determination or the withdrawal of the appeal.”;
 - (d) in paragraph (11) after “(other than paragraph 2)” there is inserted “or the appropriate provisions of regulation 10 of the 2003 Regulations”;
 - (e) after paragraph (13) there is inserted–
 - “(14) Where an appeal is brought under paragraph (1)(g) in relation to which a waste management licence within the meaning of Part II of the Environmental Protection Act 1990 (“a licence”) is in force, this regulation and Schedule 8 shall apply as if:
 - (a) references to a permit were references to a licence;
 - (b) references to the operator were references to the licence holder; and
 - (c) references to an installation or mobile plant were references to a landfill.”
- (8) In regulation 23(1) and (2) (directions to SEPA) after “these Regulations” there is inserted “or the 2003 Regulations”.
- (9) In regulation 24(1) and (2) (guidance to SEPA) after “these Regulations” there is inserted “or the 2003 Regulations”.
- (10) In regulation 26(1) and (2) (information) after “functions under these Regulations” there is inserted “or the 2003 Regulations”.
- (11) In regulation 30(1) (offences)–
 - (a) in subparagraph (d) for “or a suspension notice” there is substituted, “, a suspension notice or a closure notice under regulation 18 of the 2003 Regulations”; and
 - (b) in subparagraph (f)(i) after “these Regulations” there is inserted “or the 2003 Regulations”.
- (12) In regulation 34 (application to the Crown)–
 - (a) in paragraph (1) after “these Regulations” there is inserted “and the 2003 Regulations”;
 - (b) in paragraph (2)–

- (i) after “these Regulations” there is inserted “or the 2003 Regulations”; and
- (ii) after “liable under regulation 30” there is inserted “below or under regulation 19 of the 2003 Regulations”.
- (c) in paragraph (3) after “these Regulations” there is inserted “and the 2003 Regulations”; and
- (d) in paragraph (4) after “these Regulations” there is inserted “or the 2003 Regulations”.
- (13) In regulation 35(1) (notices) after “these Regulations” there is inserted “or the 2003 Regulations”.
- (14) In Schedule 3 (prescribed date and transitional arrangements)–

- (a) in the table in paragraph 2(2) for the entry relating to Section 5.2 there is substituted–

Section 5.2	The period specified in the notice served on the operator under paragraph 1(9) of Schedule 5 to the 2003 Regulations.
Part A	

- (b) at the end of paragraph 2(11) there is inserted–

“(12) If–

- (a) an activity falling within Part A of Section 5.2 of Part 1 of Schedule 1 is carried out in an existing Part A installation; and
- (b) an activity falling within some other Section of Part 1 of Schedule 1 is also carried out in the same installation (“a transitional landfill installation”),

the preceding provisions of this paragraph shall apply as if there were two separate existing Part A installations one consisting of the part of the installation where the activity falling within Part A of Section 5.2 in Part 1 of Schedule 1 is carried out and the other consisting of the remainder of the installation.

(13) If–

- (a) the relevant period has expired for a transitional landfill installation; and
- (b) an application for a permit to operate the installation has been duly made but has not been determined at the relevant date, then–
 - (i) the application shall be treated as an application to operate the parts of the installation other than those where the activity falling within Part A of Section 5.2 in Part 1 of Schedule 1 is carried out; and
 - (ii) the prescribed date for the remaining part of the installation shall be determined as if it were a separate installation.”.

- (15) After paragraph 1 of Part 1 of Schedule 4 (applications for permits) there is inserted–

“**1A.** An application for a landfill permit under regulation 7 relating to an installation where an activity falling within Part A of Section 5.2 in Part 1 of Schedule 1 is carried out shall contain the following additional information–

- (a) the description of the types and total quantity of waste to be deposited;
- (b) the proposed capacity of the disposal site;
- (c) a description of the site, including its hydrogeological and geological characteristics;
- (d) the proposed operation, monitoring and control plan;
- (e) the proposed plan for the closure and after-care procedures; and
- (f) for those sites to which regulation 6 of the 2003 Regulations does not apply the financial provision required by virtue of regulation 4(3)(b).”.

- (16) In paragraph 1 of Schedule 9 (registers)–
- (a) in sub-paragraph (k) after “suspension notice” there is inserted “or closure notice under the 2003 Regulations”;
 - (b) in sub-paragraph (q) after “regulation 30(1)” there is inserted “above or regulation 19(1) of the 2003 Regulations”;
 - (c) in sub-paragraph (t) after “regulation 26(2)” there is inserted “or a closure notice under the 2003 Regulations”;
 - (d) after sub-paragraph (w) there is inserted–
 - “(x) all particulars of any conditioning plan or notification as referred to in sub-paragraph 1(3)(b) or (5)(3)(a) of Schedule 5 to the 2003 Regulations;
 - (y) all particulars of any notice requiring a landfill to close (in whole or part) issued under paragraph 1(3) of Schedule 5 to the 2003 Regulations;
 - (z) all particulars of any notification or report required before definitive closure of a landfill under regulation 17(4) of the 2003 Regulations.”

The Waste Management Licensing Regulations 1994

- 4.—(1) the Waste Management Licensing Regulations 1994⁽⁸⁾ are amended as follows.
- (2) In regulation 3 (relevant offences), after sub-paragraph (o) there is inserted–
- “(p) regulation 19(1) of the Landfill (Scotland) Regulations 2003.”
- (3) In regulation 10(1) (registers),
- (a) in sub-paragraph (f) after “(whether or not in relation to a licence)” there is inserted “or regulation 19(1) of the Landfill (Scotland) Regulations 2003”;
 - (b) after subparagraph (o) there is inserted–
 - “(p) all particulars of any conditioning plan or notification as referred to in sub-paragraph 1(3)(b) or (5)(3)(a) of Schedule 5 to the Landfill (Scotland) Regulations 2003;
 - (q) all particulars of any notice of a decision under paragraph 1(3) of Schedule 5 to the Landfill (Scotland) Regulations 2003;
 - (r) all particulars of any notification or report required before definitive closure of a landfill under regulation 17(4) of the Landfill (Scotland) Regulations 2003.”.

(8) S.I. [1994/1056](#) to which there are amendments which are not relevant.