
STATUTORY INSTRUMENTS

1997 No. 2778

The Waste and Contaminated Land (Northern Ireland) Order 1997

PART II

WASTE ON LAND

Waste Management Licences

Grant of licences

8.—(1) An application for a licence shall be made to the Department and shall be made on a form provided for the purpose by the Department and accompanied by such information as the Department reasonably requires and the fee payable under Article 15.

(2) Where an applicant for a licence fails to provide the Department with any information required under paragraph (1), the Department may refuse to proceed with the application, or refuse to proceed with it until the information is provided.

(3) A licence shall not be granted for a use of land, plant or equipment for which planning permission is required under the [^{F1}Planning Act (Northern Ireland) 2011] or consent under the [^{F2}Water (Northern Ireland) Order 1999] is required unless such planning permission is in force or such consent has been granted in relation to that use of the land.

(4) Subject to paragraphs (3) and (5), the Department shall not refuse an application for a licence which has been duly made if it is satisfied that the applicant is a fit and proper person unless it is satisfied that such refusal is necessary for the purpose of preventing—

- (a) pollution of the environment;
- (b) harm to human health; or
- (c) serious detriment to the amenities of the locality;

but sub-paragraph (c) is inapplicable where planning permission is in force in relation to the use to which the land will be put under the licence.

(5) Where the Department proposes to grant a licence, the Department shall, before it does so,—

- (a) refer the proposal to [^{F3} the Health and Safety Executive for Northern Ireland and to such other] body or person as the Department considers appropriate; and
- (b) consider any representations about the proposal which [^{F3} the Executive or] any such body or person makes to it during the allowed period.

(6) If within the period of 4 months from the date on which the Department received an application for the grant of a licence, or within such longer period as the Department and the applicant may at any time agree in writing, the Department has neither granted the licence in consequence of the application nor given notice to the applicant that the Department has refused the application, the Department shall be deemed to have refused the application.

Changes to legislation: *The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 8 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) Paragraph (6)—

- (a) shall not have effect in any case where, under paragraph (2), the Department refuses to proceed with the application in question, and
- (b) shall have effect in any case where, under paragraph (2), the Department refuses to proceed with it until the required information is provided, with the substitution for the period of 4 months there mentioned of the period of 4 months from the date on which the Department received the information.

(8) The period allowed to^{F3} the Executive or] any body or person for the making of representations under paragraph (5) about a proposal is the period of 28 days from the date on which the proposal is received by^{F3} Executive, the body] or, as the case may be, the person, or such longer period as the Department and the^{F3} Executive, the body] or, as the case may be, the person, agree in writing.

(9) This Article shall have effect subject to Article 9.

F1 Words in art. 8(3) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 6 para. 86](#) (with s. 211); [S.R. 2015/49, arts. 2, 3, Sch. 1](#) (with [Sch. 2](#) (as amended (16.3.2016) by S.R. 2016/159, art. 2))

F2 [1999 NI 6](#)

F3 [1998 NI 18](#)

Modifications etc. (not altering text)

C1 Art. 8(3) modified (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 169\(7\)\(b\), 254\(1\)\(2\)](#) (with s. 211); [S.R. 2015/49, arts. 2, 3, Sch. 1](#) (with [Sch. 2](#) (as amended (16.3.2016) by S.R. 2016/159, art. 2))

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 58(1A) inserted by [2011 c. 5 \(N.I.\) s. 8\(3\)](#)
- art. 70(2A)-(2C) inserted by [2011 c. 5 \(N.I.\) s. 9](#)