

Changes to legislation: *The Waste and Contaminated Land (Northern Ireland) Order 1997 is up to date with all changes known to be in force on or before 26 March 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*

SCHEDULES

^{F1}SCHEDULE 1

.....

F1 Sch. 1 repealed (8.4.2011) by [Waste Regulations \(Northern Ireland\) 2011 \(S.R. 2011/127\)](#), regs. 1(1), 7 (with reg. 9(2))

SCHEDULE 2

Articles 17(2), 36(6), 41(3), 52(2), 58(2), 65(4).

APPEALS AND DECISIONS REFERRED TO THE PLANNING APPEALS COMMISSION

PART I

APPEALS UNDER ARTICLE 17, 41 OR 58

1.—(1) This paragraph applies to an appeal to the Planning Appeals Commission (“the Commission”) under Article 17, 41 or 58.

(2) The Commission shall determine the appeal and [^{F2}subsection (1), (3) and (5) of section 204 of the Planning Act (Northern Ireland) 2011] shall apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.

(3) If either party to the appeal so requests, the Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

F2 Words in Sch. 2 para. 1(2) 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. 88\(a\)](#) (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))

PART II

APPEALS UNDER ARTICLE 36 OR 65

2.—(1) This paragraph applies to an appeal to the Planning Appeals Commission under Article 36(5) or 65(3).

(2) The Commission shall determine the appeal and [^{F3}subsection (1), (3) and (5) of section 204 of the Planning Act (Northern Ireland) 2011] shall apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.

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(3) If either party to the appeal so requests, the Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

(4) Any hearing in connection with the appeal must be held in private.

F3 Words in Sch. 2 para. 2(2) 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. 88\(b\)](#) (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))

PART III

DECISIONS REFERRED UNDER ARTICLE 52

4.—(1) This paragraph applies where, in accordance with paragraph (1) of Article 52, a district council refers a decision under that Article to the Planning Appeals Commission.

(2) The Commission shall consider the decision and [^{F4}subsections (2), (3) and (5) of section 204 of the Planning Act (Northern Ireland) 2011] shall apply in relation to the consideration of the decision as they apply in relation to an inquiry or hearing under that Order.

F4 Words in Sch. 2 para. 4(2) 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. 88\(c\)](#) (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))

[^{F5}SCHEDULE 3

Article 19

THE WASTE MANAGEMENT PLAN

F5 Sch. 3 substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\), regs. 1\(1\), 2\(7\)](#)

Part 1

Objectives

Overall objective

1. To protect the environment and human health by preventing or reducing the generation of waste and the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

Application of the waste hierarchy

2.—(1) To apply the following waste hierarchy as a priority order in waste prevention and management policy—

- (a) prevention;
- (b) preparing for re-use;

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- (c) recycling;
 - (d) other recovery (for example energy recovery); and
 - (e) disposal.
- (2) To apply the waste hierarchy in sub-paragraph (1) in a manner which—
- (a) encourages the options that deliver the best overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste; and
 - (b) takes into account—
 - (i) the general environmental protection principles of precaution and sustainability;
 - (ii) technical feasibility and economic viability;
 - (iii) protection of resources; and
 - (iv) the overall environmental, human health, economic and social impacts.
- (3) To make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as those listed in Part 4 of this Schedule or other appropriate instruments and measures.

Protection of human health and the environment

- 3.** To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—
- (a) without risk to water, air, soil, plants or animals;
 - (b) without causing a nuisance through noise or odours; and
 - (c) without adversely affecting the countryside or places of special interest.

Principles of self-sufficiency and proximity

4.—(1) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers^{F6}....

(2) [^{F7}The network must be designed so as to enable the United Kingdom as a whole to [^{F8}move towards the aim of becoming] self-sufficient in waste disposal as well as in the recovery of mixed municipal waste collected from private households taking into account geographical circumstances or the need for specialised installations for certain types of waste.]

(3) The network must enable waste to be disposed of, or mixed municipal waste collected from private households for recovery to be recovered, in one of the nearest appropriate installations and by means of the most appropriate methods and technologies, so as to ensure a high level of protection for the environment and human health.

(4) This paragraph does not require that the full range of final recovery facilities is located in Northern Ireland.

F6 Words in Sch. 3 para. 4(1) omitted (31.12.2020) by virtue of [The Waste and Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1443\)](#), regs. 1(3), **2**; 2020 c. 1, Sch. 5 para. 1(1)

F7 Sch. 3 para. 4(2) substituted (31.12.2020) by [The Environment \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/584\)](#), regs. 1, **14(a)**; 2020 c. 1, Sch. 5 para. 1(1)

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F8 Words in Sch. 3 para. 4(2) substituted (31.12.2020) by S.I. 2019/584, reg. 14(a) (as amended by [The Waste and Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1443\)](#), regs. 1(2), 5; 2020 c. 1, Sch. 5 para. 1(1))

Part 2

Matters which must be included in the waste management plan

Analysis of the current waste management situation etc.

5. The waste management plan must include an analysis of the current waste management situation, an analysis of the measures to be taken to improve environmentally sound preparation for re-use, recycling, recovery and disposal of waste and an evaluation of how the waste management plan will support the implementation of the objectives and provisions of the Waste Framework Directive.

General policies in relation to waste and litter

6. The waste management plan must include such matters as the Department of Agriculture, Environment and Rural Affairs considers appropriate, taking into account the geographical level and geographical area to which the waste management plan relates and including at least the following–

- (a) the type, quantity and source of waste generated within Northern Ireland;
- (b) the waste likely to be shipped from or to Northern Ireland;
- (c) an evaluation of the development of waste streams in the future;
- (d) existing major disposal and recovery installations, including any special arrangements for waste containing significant amounts of critical raw materials, [^{F9}waste oils or hazardous waste] ;
- (e) an assessment of the need for closure of existing waste installations, and for additional waste installation infrastructure in accordance with the objective in paragraph 4;
- (f) an assessment of the investments and other financial means required, including for district councils, to meet the needs identified following the assessment in sub-paragraph (e);
- (g) an assessment of existing waste collection schemes, including the material and territorial coverage of separate collection and measures to improve their operation, of any exceptions to the requirement for waste to be subject to separate collection and of the need for new collection schemes;
- (h) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;
- (i) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems;
- (j) measures to combat and prevent all forms of littering and to clean up litter; and
- (k) appropriate qualitative or quantitative indicators and targets, including on the quantity of generated waste and its treatment and on municipal waste that is disposed of or subject to energy recovery.

F9 Words in Sch. 3 para. 6(d) substituted (31.12.2020) by [The Environment \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/584\)](#), regs. 1, 14(b); 2020 c. 1, Sch. 5 para. 1(1)

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Policies in relation to packaging waste

7. The waste management plan must, in pursuance of the objectives and measures referred to in the Packaging Waste Directive, include a chapter on the management of packaging and packaging waste, including measures taken—

- (a) that consist of—
 - (i) Northern Ireland, or United Kingdom, programmes;
 - (ii) incentives through extended producer responsibility schemes; or
 - (iii) similar actions,to prevent generation of packaging waste and minimise the environmental impact of packaging;
- (b) to achieve a sustained reduction in the consumption of lightweight plastic carrier bags;
- (c) to actively encourage public information and awareness campaigns concerning the adverse environmental impact of the excessive consumption of lightweight plastic carrier bags; and
- (d) to encourage the increase in the share of re-usable packaging placed on the market and of systems to re-use packaging in an environmentally sound manner without compromising food hygiene or the safety of consumers.

Policies in relation to separate collection of waste

8. The waste management plan must include measures to promote high quality recycling including the setting up of separate collections of waste, subject to regulation 18 of the Waste Regulations (Northern Ireland) 2011.

Policies in relation to bio-waste

9. The waste management plan must contain measures, as appropriate, in accordance with the objectives in paragraphs 2 and 3—

- (a) to encourage the recycling, including composting and digestion, of bio-waste in a way that fulfils a high level of environment protection and results in output which meets relevant high-quality standards;
- (b) to encourage home composting; and
- (c) to promote the use of materials produced from bio-waste.

Policies in relation to preparing for re-use

10. The waste management plan must include measures to be taken to promote preparing for re-use activities, in particular—

- (a) measures to encourage the establishment and support of preparing for re-use and repair networks;
- (b) measures to facilitate, where compatible with proper waste management, the access of preparing for re-use and repair networks to waste held by collection schemes or facilities that can be prepared for re-use but is not destined for preparing for re-use by those schemes or facilities;
- (c) the use of economic instruments;
- (d) the use of procurement criteria; and
- (e) the setting of quantitative objectives.

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Policies in relation to recycling targets and landfill reduction targets

11. The waste management plan must include policies in relation to preparing for re-use, recovery and recycling targets including—

- (a) measures to be taken to ensure that—
 - (i) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to at least 55% by weight;
 - (ii) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to at least 60% by weight; and
 - (iii) by 2035, the preparing for re-use and the recycling of municipal waste shall be increased to at least 65% by weight; and
- (b) measures to be taken to ensure that the amount of municipal waste landfilled is reduced to 10% or less of the total amount of municipal waste generated (by weight) by 2035.

Part 3

Matters which may be included in the waste management plan

12. The waste management plan may include provision about any of the following, taking into account the geographical area to which the plan relates—

- (a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private operators carrying out waste management;
- (b) an evaluation of the usefulness and suitability of the use of economic and other means of tackling various waste problems;
- (c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers; and
- (d) measures for the remediation of historical contaminated waste disposal sites.

Part 4

Examples of economic instruments and other measures to provide incentives for the application of the waste hierarchy

13. The economic instruments and other measures referred to in paragraph 2(3) are—

- (a) charges and restrictions for the landfilling and incineration of waste which incentivise waste prevention and recycling, while keeping landfilling the least preferred waste management option;
- (b) ‘pay-as-you-throw’ schemes that charge waste producers on the basis of the actual amount of waste generated and provide incentives for separation at source of recyclable waste and for reduction of mixed waste;
- (c) fiscal incentives for donation of products, in particular food;
- (d) extended producer responsibility schemes for various types of waste and measures to increase their effectiveness, cost efficiency and governance;
- (e) deposit-refund schemes and other measures to encourage efficient collection of used products and materials;
- (f) sound planning of investments in waste management infrastructure;

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- (g) sustainable public procurement to encourage better waste management and the use of recycled products and materials;
- (h) phasing out of subsidies which are not consistent with the waste hierarchy;
- (i) use of fiscal measures or other means to promote the uptake of products and materials that are prepared for re-use or recycled;
- (j) support to research and innovation in advanced recycling technologies and remanufacturing;
- (k) use of best available techniques for waste treatment;
- (l) economic incentives for Northern Ireland authorities and authorities for any area of Northern Ireland, in particular to promote waste prevention and intensify separate collection schemes, while avoiding support to landfilling and incineration;
- (m) public awareness campaigns, in particular on separate collection, waste prevention and litter reduction, and mainstreaming these issues in education and training;
- (n) systems for coordination, including by digital means, between all competent public authorities involved in waste management; and
- (o) promoting continuous dialogue and cooperation between all stakeholders in waste management and encouraging voluntary agreements and company reporting on waste.]

SCHEDULE 4

Article 72.

SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY

Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) (1.4.2018) by [The Control of Mercury \(Enforcement\) Regulations 2017 \(S.I. 2017/1200\)](#), regs. 2(2), **21(3)** (with reg. 1(2))

Interpretation

1. In this Schedule “relevant power” means a power conferred by Article 72, including a power exercisable by virtue of a warrant under this Schedule.

Issue of warrants

- 2.—(1) If it is shown to the satisfaction of a justice of the peace on complaint on oath—
- (a) that there are reasonable grounds for the exercise in relation to any premises of a relevant power; and
 - (b) that one or more of the conditions specified in sub-paragraph (2) is fulfilled in relation to those premises,

the justice may by warrant authorise an authorised person to exercise the power in relation to those premises, in accordance with the warrant and, if need be, by force.

- (2) The conditions mentioned in sub-paragraph (1)(b) are—
- (a) that the exercise of the power in relation to the premises has been refused;
 - (b) that such a refusal is reasonably apprehended;

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- (c) that the premises are unoccupied;
 - (d) that the occupier is temporarily absent from the premises and the case is one of urgency; or
 - (e) that an application for admission to the premises would defeat the object of the proposed entry.
- (3) ^{F10}
- (4) Every warrant under this Schedule shall continue in force until the purposes for which the warrant was issued have been fulfilled.

F10 Sch. 4 para. 2(3) repealed (17.10.2011) by Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5), ss. 11(2), 12(1), Sch. 2; S.R. 2011/312, art. 2, Sch.

Information obtained to be admissible in evidence

3.—(1) Subject to Article 72(9), information obtained in consequence of the exercise of a relevant power, with or without the consent of any person, shall be admissible in evidence against that or any other person.

(2) Without prejudice to the generality of sub-paragraph (1), information obtained by means of monitoring or other apparatus installed on any premises in the exercise of a relevant power, with or without the consent of any person in occupation of the premises, shall be admissible in evidence in any proceedings against that or any other person.

Duty to secure premises

4. An authorised person who, in the exercise of a relevant power, enters on any premises which are unoccupied or whose occupier is temporarily absent shall leave the premises as effectually secured against trespassers as he found them.

Compensation

5.—(1) Where an authorised person exercises any power conferred by Article 72(2)(a) or (b) or (3), the enforcing authority under whose authorisation he acts shall make full compensation to any person who has sustained loss or damage by reason of—

- (a) the exercise by the authorised person of that power; or
- (b) the performance of, or the failure of the authorised person to perform, the duty imposed by paragraph 4.

(2) Compensation shall not be payable by virtue of sub-paragraph (1) in respect of any loss or damage if the loss or damage—

- (a) is attributable to the default of the person who sustained it; or
- (b) is loss or damage in respect of which compensation is payable under any other provision of the pollution control statutory provisions.

(3) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of any such compensation, shall be referred to and determined by the Lands Tribunal; and Articles 4 and 5 of the Land Compensation (Northern Ireland) Order 1982 shall apply to any such determination.

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Schedule 5—Amendments

Schedule 6—Repeals

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Changes and effects yet to be applied to :

- Sch. 3 para. 9(b) words omitted by [S.I. 2019/584 reg. 14\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Words to be omitted are not contained in Sch. 3 substituted (18.12.2020) by [S.R. 2020/285, reg. 2\(7\)](#))
- [art. 49\(1\)](#) word inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(b\)](#)
- [art. 49\(1\)](#) words added by [2011 c. 5 \(N.I.\) s. 7\(2\)\(c\)](#)
- [art. 49\(1\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(a\)](#)
- [art. 49\(2\)\(a\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(d\)\(i\)](#)
- [art. 49\(2\)\(b\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(d\)\(ii\)](#)
- [art. 49\(2\)\(c\)](#) repealed by [2011 c. 5 \(N.I.\) s. 7\(2\)\(d\)\(iii\)](#)[Sch. 2](#)
- [art. 49\(3\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(e\)\(iii\)](#)
- [art. 49\(3\)\(a\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(e\)\(i\)](#)
- [art. 49\(3\)\(b\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(e\)\(ii\)](#)
- [art. 49\(4\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(2\)\(f\)](#)
- [art. 51\(9\)\(a\)\(ii\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(3\)\(a\)](#)
- [art. 51\(9\)\(b\)](#) word inserted by [2011 c. 5 \(N.I.\) s. 7\(3\)\(b\)](#)
- [art. 53\(4\)\(b\)](#) words inserted by [2011 c. 5 \(N.I.\) s. 7\(4\)](#)
- [art. 57\(3\)\(4\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(5\)](#)
- [art. 58\(1\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 8\(2\)](#)
- [art. 58\(3\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 8\(4\)](#)
- [art. 58\(4\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 8\(5\)](#)
- [art. 58\(5\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 8\(6\)](#)
- [art. 68\(1\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(6\)\(a\)\(ii\)](#)
- [art. 68\(1\)\(b\)](#) substituted by [2011 c. 5 \(N.I.\) s. 7\(6\)\(a\)\(i\)](#)
- [art. 68\(2\)](#) words substituted by [2011 c. 5 \(N.I.\) s. 7\(6\)\(b\)](#)
- [art. 70\(1\)\(b\)](#) word inserted by [2011 c. 5 \(N.I.\) s. 7\(7\)](#)
- [art. 70\(2\)](#) word inserted by [2011 c. 5 \(N.I.\) s. 7\(7\)](#)
- [art. 72\(13\)](#) words inserted by [2011 c. 5 \(N.I.\) Sch. 1 para. 2](#)
- [art. 76\(1\)](#) words substituted by [2011 c. 5 \(N.I.\) Sch. 1 para. 3](#)

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](#)