
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 280

The Waste Management Regulations (Northern Ireland) 2006

Amendment of the Landfill Regulations (Northern Ireland) 2003

27.—(1) The Landfill Regulations (Northern Ireland) 2003(1) are amended as follows.

(2) In regulation 2(2) (Interpretation)—

(a) insert the following definitions in the appropriate places—

““agriculture” has the same meaning as in the Agriculture Act (Northern Ireland) 1949;

“agricultural waste” means waste from premises used for agriculture;

“mines or quarries waste” means waste from a mine or quarry;”.

(3) In regulation 4 (Cases where regulations do not apply)—

(a) at the end of sub-paragraph (c) delete “or”; and

(b) at the end of sub-paragraph (d), insert—

“; or

(e) any landfill for the disposal of agricultural waste or mines or quarries waste which ceased to accept waste for disposal before 31st July 2006.”.

(4) In regulation 8(4) (Conditions to be included in landfill permits) for “paragraphs 3(3) to (5)” substitute “paragraphs 3(3) to (5) and 6(2)”.

(5) In Schedule 4 (Transitional Provisions)—

(a) in paragraph 1(1) at the end of paragraph (f), add—

“; and

(g) it is not a landfill to which paragraph 5 applies.”;

(b) in paragraph 3—

(i) at the beginning of sub-paragraph (1), insert “Subject to sub-paragraph (1A)”; and

(ii) after sub-paragraph (1), insert—

“(1A) This paragraph does not apply to a landfill to which paragraph 5 applies.”;

(c) in paragraph 4(1)—

(i) at the end of paragraph (a), omit “and”; and

(ii) at the end of paragraph (b), add—

“; and

(c) it is not a landfill to which paragraph 5 applies.”;

(d) at the end of paragraph 4, insert—

- “5.—(1) This paragraph shall apply to a landfill if—
- (a) it is a site for the disposal of—
 - (i) agricultural waste only;
 - (ii) mines or quarries waste only; or
 - (iii) agricultural waste and mines or quarries waste only; and
 - (b) it is in operation on 31st July 2006.
- (2) A landfill to which this paragraph applies shall be treated as an existing installation for the purposes of Part I of Schedule 3 to the 2003 Regulations.
- (3) If the operator proposes to continue to accept waste after 31st August 2006 he shall prepare a conditioning plan for the landfill and submit it to the Department by that date.
- (4) The conditioning plan required by sub-paragraph (3) must—
- (a) be prepared on a form provided for that purpose by the Department; and
 - (b) contain details of any corrective measures which the operator considers will be needed in order to comply with the relevant requirements of these Regulations.
- (5) Closure of the landfill (in whole or in part) shall take place as soon as possible in accordance with sub-paragraphs (6) to (11) if—
- (a) the operator does not propose to continue to accept waste;
 - (b) the Department decides, following the submission by the operator of a conditioning plan, 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 fails to submit a conditioning plan as required by sub-paragraphs (3) and (4).
- (6) The operator shall submit to the Department such reports in connection with the closure of the landfill as it may require by notice in writing.
- (7) The Department shall—
- (a) assess all the reports submitted by the operator; and
 - (b) carry out an on-site inspection.
- (8) The Department shall by notice in writing served on the operator require closure of the landfill in accordance with the control and monitoring procedures set out in Schedule 3 subject to such conditions as are specified in the notice for such period as the Department determines is reasonable, taking into account the time during which the landfill could present a hazard to the environment.
- (9) The Department may, at any time during which the landfill could present a hazard, vary a notice served under sub-paragraph (8) by notice in writing served on the operator and such notice shall state the reasons for the Department’s decision to make the variation.
- (10) The operator shall as soon as reasonably possible—
- (a) notify the Department of any significant adverse environmental effects revealed by the control and monitoring procedures required by sub-paragraph (8); and
 - (b) comply with, and observe such conditions as are specified in, a notice served under sub-paragraph (8) (as such notice may be varied by a notice served under sub-paragraph (9)).
- (11) In any case where the whole of a landfill is not subject to closure under sub-paragraph (5) the operator must within the relevant period submit an application for a

landfill permit under regulation 10 of the 2003 Regulations so that the Chief Inspector shall determine whether waste may continue to be accepted for disposal at the landfill.

(12) Where the Chief Inspector decides to grant a landfill permit pursuant to an application made in accordance with sub-paragraph (11), he shall specify the date or dates on which the permit conditions authorised or required by these Regulations shall take effect.

(13) The Chief Inspector shall exercise his powers under sub-paragraph (12)—

- (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 paragraph (a) of Part A of Section 5.2 of Part I of Schedule 1 to the 2003 Regulations by 31st March 2007 at the latest; and
 - (iii) for landfills falling within paragraph (b) of Part A of Section 5.2 of Part I of Schedule 1 to the 2003 Regulations by 16th July 2009.

(14) A notice served under sub-paragraph (8) shall be treated as a closure notice under regulation 16(1) for the purposes of regulation 28 of the 2003 Regulations (Appeals) and a condition of such a notice shall be treated as a condition of a permit for the purposes of regulation 24 of the 2003 Regulations (Enforcement notices).

(15) Regulation 22 of the 2003 Regulations (Fees and charges in relation to permits) shall apply in relation to a notice under sub-paragraph (8) as if any reference to a permit included a reference to such a notice.

(16) In this paragraph “relevant period” means the appropriate time period as specified at section 5.2 in the table at paragraph 2(2) of Schedule 3 to the 2003 Regulations.

6.—(1) The Department shall by notice in writing served on the operator before 31st October 2006, classify any landfill to which paragraph 5 applies and which continues to accept waste which appears to the Department to require such classification as a landfill for hazardous waste.

(2) Regulations 9, 10 and 12 of these Regulations shall impose obligations directly on the operator of any landfill which is for the time being classified under sub-paragraph (1) as a landfill for hazardous waste pending determination of an application made pursuant to paragraph 5(11).”.

Commencement Information

II Reg. 27 in operation at 31.7.2006, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Waste Management Regulations (Northern Ireland) 2006, Section 27.