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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 493**

**ENVIRONMENTAL PROTECTION**

**The Waste Management Licensing  
Regulations (Northern Ireland) 2003**

*Made* - - - - *28th November 2003*

*Coming into operation* *19th December 2003*

The Department of the Environment, being a Department designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to (i) the prevention, reduction and elimination of pollution of water, the prevention, reduction and elimination of pollution caused by waste, the regulation and control of the transit, import and export of waste (including recyclable materials) and (ii) the prevention of waste from vehicles and forms of recovery of end of life vehicles and their components, in exercise of the powers conferred on it by section 2(2) of that Act, sections 7(1) and (2) and 25(3) of the Food and Environment Protection Act 1985<sup>(3)</sup>, Article 30 of the Industrial Pollution Control (Northern Ireland) Order 1997<sup>(4)</sup>, Articles 2(2), (3), (4) and (8), 3(3)(a) and (5), 4(3), 6(6), 17(9), 34(1), 38(3)(a), 39 and 77 of the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>(5)</sup> (having in particular had regard in exercising its power under Article 4(3) of that Order to the matters specified in Article 4(4) of that Order) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Waste Management Licensing Regulations (Northern Ireland) 2003 and shall come into operation on 19th December 2003.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(6)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) In these Regulations, unless the context otherwise requires –

“the 1978 Order” means the Pollution Control and Local Government (Northern Ireland) Order 1978<sup>(7)</sup>;

“the 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997;

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(1) S.I.1989/2393, S.I. 1992/2870, S.I. 1993/2661 and S.I. 2001/3495

(2) 1972 c. 68

(3) 1985 c. 48

(4) S.I. 1997/2777 (N.I. 18)

(5) S.I. 1997/2778 (N.I. 19)

(6) 1954 c. 33 (N.I.)

(7) S.I. 1978/1049 (N.I. 19)

“the 1998 Regulations” means the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998<sup>(8)</sup>;

“the 2003 Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003<sup>(9)</sup>;

“the Industrial Pollution Control Order” means the Industrial Pollution Control (Northern Ireland) Order 1997;

“the Water Order” means the Water (Northern Ireland) Order 1999<sup>(10)</sup>;

“the Community Regulation” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption<sup>(11)</sup> as amended by and as read with –

- (a) Commission Regulation (EC) No. 808/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption<sup>(12)</sup>;
- (b) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures<sup>(13)</sup>;
- (c) Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs<sup>(14)</sup>;
- (d) Commission Decision 2003/320/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the use in feed of used cooking oil<sup>(15)</sup>;
- (e) Commission Decision 2003/321/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the processing standards for mammalian blood<sup>(16)</sup>;
- (f) Commission Decision 2003/326/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants<sup>(17)</sup>; and
- (g) Commission Decision 2003/327/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them<sup>(18)</sup>;

“the Directive” means Council Directive 75/442/EEC on waste<sup>(19)</sup> as amended by Council Directives 91/156/EEC<sup>(20)</sup>, 91/692/EEC<sup>(21)</sup> and Decision 96/350/EEC<sup>(22)</sup>;

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<sup>(8)</sup> S.R. 1998 No. 28

<sup>(9)</sup> S.R. 2003 No. 46

<sup>(10)</sup> S.I. 1999/662 (N.I. 6)

<sup>(11)</sup> O.J. No. L 273, 10.10.2002, p. 1

<sup>(12)</sup> O.J. No. L117, 13.5.2003, p. 1

<sup>(13)</sup> O.J. No. L117, 13.5.2003, p. 14

<sup>(14)</sup> O.J. No. L117, 13.5.2003, p. 22

<sup>(15)</sup> O.J. No. L117, 13.5.2003, p. 24

<sup>(16)</sup> O.J. No. L117, 13.5.2003, p. 30

<sup>(17)</sup> O.J. No. L117, 13.5.2003, p. 42

<sup>(18)</sup> O.J. No. L117, 13.5.2003, p. 44

<sup>(19)</sup> O.J. No. L194, 25.7.1975, p. 39

<sup>(20)</sup> O.J. No. L078, 26.3.1991, p. 32

<sup>(21)</sup> O.J. No. L377, 31.12.1991, p. 48

<sup>(22)</sup> O.J. No. L135, 6.6.1996, p. 328

“the End of Life Vehicles Directive” means Directive [2000/53/EC](#) of the European Parliament and of the Council(23) as amended by Commission Decision of 19th February 2002, [2002/151/EC](#)(24) and Commission Decision of 27th June 2002, [2002/525/EC](#)(25);

“animal by-products” has the meaning given by Article 2 of the Community Regulation;

“authorised treatment facility” means any establishment or undertaking carrying out the treatment of end of life vehicles under a waste management licence or a disposal licence and in compliance with Article 6 of the End of Life Vehicles Directive and Articles 9, 10 and 11 of the Directive;

“clinical waste” has the meaning given by regulation 2(1) of the Controlled Waste Regulations (Northern Ireland) 2002(26);

“construction work” includes the repair, alteration or improvement of existing works;

“depollute”, in relation to an end of life vehicle, means to carry out on it any of the operations described in paragraph 3 of Part II of Schedule 5 and only when all such operations have been completed shall a vehicle be regarded as “depolluted”; “depollution” and any cognate expressions shall be construed accordingly;

“disposal” includes any of the operations listed in Part II of Schedule 3, and any reference to waste being disposed of includes a reference to its being submitted to any of those operations;

“disposal licence” means a licence issued under Article 7 of the 1978 Order;

“end of life vehicle” means any vehicle designated as category M1 or N1 defined in Annex IIA to Directive [70/156/EEC](#)(27), and three wheel motor vehicles as defined in Directive [92/61/EEC](#)(28) but excluding motor tricycles, which is waste within the meaning of Article 1(a) of Directive 75/442;

“European Waste Catalogue” means the list of wastes pursuant to Article 1(a) of the Directive and Article 1(4) of Directive [91/689/EEC](#) on hazardous waste(29) set out in Commission Decision [2000/532/EC](#)(30); and “EWC Code” means any six-digit code set out in the Annex to Commission Decision [2000/532/EC](#) which is used to describe a type of waste;

“exempt activity” means any of the activities set out in Part I of Schedule 2;

“impermeable pavement” means a pavement in the area where a waste recovery or storage operation takes place which is capable of containing any spillage of waste received and is connected to a drainage system with impermeable components which does not leak and which will ensure that –

- (a) no liquid will run off the pavement otherwise than via the drainage system; and
- (b) except where they may be lawfully discharged, all liquids entering the drainage system are collected in a sealed sump;

“operational land” has the meaning given by Article 2 of the Planning (General Development) Order (Northern Ireland) 1993(31);

“recovery” includes any of the operations listed in Part III of Schedule 3, and any reference to waste being recovered includes a reference to its being submitted to any of those operations;

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(23) O.J. No. L269, 21.10.2000, p. 34

(24) O.J. No. L050, 21.02.2002, p. 94

(25) O.J. No. L170, 29.06.2002, p. 81

(26) S.R. 2002 No. 248 as amended

(27) O.J. No. L042, 23.02.1970, p. 0001-0015 as amended by Directive [98/91/EC](#) of the European Parliament and Council (O.J. No. L11, 16.01.1999, p. 25)

(28) O.J. No. L225, 10.08.1992, p. 0072-0100

(29) O.J. No. L377, 31.12.1991, p. 20

(30) O.J. No. L226, 6.9.2000, p. 3, as amended by Commission Decisions [2001/118/EC](#) (O.J. No. L47, 16.2.2001, p. 1, [2001/119/EC](#) (O.J. No. L047, 16.2.2001, p. 32) and [2001/573/EC](#) (O.J. No. L203, 28.7.2001, p. 18)

(31) S.R. 1993 No. 278

“resolution” means a resolution passed under Article 13 of the 1978 Order;

“scrap metal” has the meaning given by regulation 1(2) of the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002(32) except, unless otherwise stated, scrap metal shall not include end of life vehicles or their components unless and until such vehicles or their components have been depolluted in accordance with Part II of Schedule 5;

“special waste” has the meaning given by regulation 2 of the Special Waste Regulations (Northern Ireland) 1998(33), except that it does not include radioactive waste within the meaning of the Radioactive Substances Act 1993(34);

“treatment of end of life vehicles” means any activity after the end of life vehicle has been handed over to an authorised treatment facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredded wastes and any other operation carried out for the recovery and/or disposal of the end of life vehicle and its components;

“waste oil” means any mineral-based lubricating or industrial oil which has become unfit for the use for which it was originally intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil;

“waterway” has the meaning given by Article 2(2) of the Water Order;

“work” includes preparatory work.

(4) For the purposes of these Regulations a person carries on business as a scrap metal dealer if he carries on a business which consists wholly or partly of buying and selling scrap metal, whether the scrap metal sold is in the form in which it was bought or otherwise, other than a business in the course of which scrap metal is not bought except as materials for the manufacture of other articles and is not sold except as a by-product of such manufacture or as surplus materials bought but not required for such manufacture.

## Offences

2. An offence is prescribed for the purposes of Article 3(3)(a) of the 1997 Order if it is an offence under any of the following enactments: –

- (a) section 114 of the Public Health (Ireland) Act 1878(35);
- (b) section 98(3) and (4) of the Local Government Act (Northern Ireland) 1972(36);
- (c) Articles 20(2), 34(1) and 39(3) of the Water and Sewerage Services (Northern Ireland) Order 1973(37);
- (d) Articles 5, 7(4), 16(4), 18(2), 29, 38(4), 56, 72(3) of the 1978 Order;
- (e) regulation 17 of the Pollution Control (Special Waste) Regulations (Northern Ireland) 1981(38);
- (f) Articles 52 and 53 of the Diseases of Animals (Northern Ireland) Order 1981(39);
- (g) section 9(1) of the Food and Environment Protection Act 1985(40);
- (h) regulation 28 of the Transfrontier Shipment of Hazardous Waste Regulations 1988(41);

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(32) S.R. 2002 No. 271

(33) S.R. 1998 No. 289

(34) 1993 c. 12

(35) 1878 c. 52

(36) 1972 c. 9

(37) S.I. 1973/70 (N.I. 2)

(38) S.R. 1981 No. 252

(39) S.I. 1981/1115 (N.I. 22)

(40) 1985 c. 48

(41) S.I. 1988/1562

- (i) regulation 9 of the Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1988(42);
- (j) regulation 15 of the Transfrontier Shipment of Waste Regulations 1994(43);
- (k) paragraph 15(1), (3), (4) or (5) of Schedule 5 to the Finance Act 1996(44);
- (l) Article 23(1) of the Industrial Pollution Control Order;
- (m) Articles 4, 5(8), 6(7), 12(12), 18, 22(6), 27(5), 28(5), 31(2), 38(1), 42(4), 43(9), 44(2) and 74 of the 1997 Order;
- (n) regulation 14 of the Merchant Shipping (Port Waste Reception Facilities) Regulations 1997(45);
- (o) regulation 17 of the Special Waste Regulations (Northern Ireland) 1998;
- (p) Articles 7(1), 7(5), 9(4), 12(3), 19(1), 28(3) and 29(1) of the Water Order;
- (q) regulation 33(1) of the 2003 Regulations;
- (r) regulation 17 of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003(46);
- (s) regulations 18(1), 22(1) of and paragraphs 12(1) and (2) and 14(5), (7) and (8) of Part I of Schedule 3 to these Regulations; or
- (t) regulations 31 and 42(1), (2) of the End of Life Vehicle Regulations 2003(47).

### Technical competence

3.—(1) Subject to paragraph (2) and regulation 4, and without prejudice to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(48), Schedule 1 has effect to prescribe for the purposes of Article 3(3)(b) of the 1997 Order (management of activities to be in the hands of a technically competent person) the qualifications required of a person if that person is to be considered technically competent in relation to a facility of a type listed in Table 1.

(2) Paragraph (1) does not apply in relation to a facility which is used exclusively for the purpose of –

- (a) carrying on business as a scrap metal dealer;
- (b) dismantling motor vehicles including end of life vehicles; or
- (c) the burial of dead domestic pets.

### Technical competence – transitional provisions

4.—(1) Where before 19th June 2004 a person has applied to the Waste Management Industry Training and Advisory Board(49) (“WAMITAB”) for a certificate of technical competence and at any time in the 12 months ending on that date he acted as the manager of a facility of a type listed in Table 1 for which the certificate is a relevant certificate, then, until 19th June 2007, regulation 3 shall not apply to him in relation to either –

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(42) S.I. 1988/2292

(43) S.I. 1994/1137

(44) 1996 c. 8

(45) S.I. 1997/3018

(46) S.I. 2003/1809

(47) S.I. 2003/2635

(48) S.I. 2002/2934, implementing Council Directive 92/51/EEC (O.J. No. L209, 24.7.1992, p. 25) on a second general system for the recognition of professional education and training. Part I of Schedule 2 (Professions Regulated by Law or Public Authority) designates WAMITAB as the authority for certified technically competent persons.

(49) WAMITAB is a private law body set up in 1989 by the waste management industry.

- (a) any facility of that type; or
- (b) a facility of any other type if –
  - (i) the certificate is a relevant certificate for that other type of facility; and
  - (ii) the entry for that other type of facility appears, in Table 1, after the entry in that Table for the type of facility in respect of which he acted as the manager,
 and until 19th June 2007 he shall be treated as technically competent for the purposes of Article 3(3)(b) of the 1997 Order in relation to any such facility in Northern Ireland.

(2) Where a person is 55 or over on 19th December 2003 and in the 10 years ending on that date he has had at least 5 years experience as the manager of a facility of a type listed in Table 1, then, until 19th December 2013, regulation 3 shall not apply to him in relation to either –

- (a) any facility of that type; or
- (b) a facility of any other type if each certificate which is a relevant certificate for the type of facility in relation to which he has had such experience as manager is also a relevant certificate for that other type of facility,

and until 19th December 2013 he shall be treated as technically competent for the purposes of Article 3(3)(b) of the 1997 Order in relation to any such facility in Northern Ireland.

(3) A person shall be treated as the manager of a facility for the purposes of paragraph (1) or (2) if at the relevant time he was the manager of activities which were carried on at that facility and which were authorised by –

- (a) a disposal licence;
- (b) a resolution;
- (c) a waste management licence;
- (d) an authorisation under the Industrial Pollution Control Order for a waste recovery or disposal activity;
- (e) an activity prescribed under and in accordance with regulation 9 and Schedule 6 to the Waste Collection and Disposal Regulations (Northern Ireland) 1992<sup>(50)</sup> as cases where a disposal licence was not required in accordance therewith; or
- (f) an exemption provided under regulation 17 and paragraph 43 of Part I of Schedule 2 to these Regulations.

(4) Where a person was technically competent for the purposes of section 74(3)(b) of the Environmental Protection Act 1990<sup>(51)</sup> in relation to a facility immediately prior to 1st April 2003 (whether or not the management of the facility was in the hands of that person at that time), then, until 19th December 2005 that person shall be treated as technically competent in relation to that facility for the purposes of Article 3(3)(b) of the 1997 Order.

### **Pre-qualification technical competence**

5.—(1) Where: –

- (a) a person has applied to WAMITAB for a certificate of technical competence in relation to one of the types of facility mentioned in paragraph (2);
- (b) an application has been made for a waste management licence to authorise activities whose management is intended to be in that person's hands;

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<sup>(50)</sup> S.R. 1992 No. 254

<sup>(51)</sup> 1990 c. 43

- (c) the activities mentioned in sub-paragraph (b) are to be carried on at a facility of the same type as that in relation to which the application mentioned in sub-paragraph (a) was made; and
- (d) the Department is satisfied that but for regulation 3 he would be a technically competent person,

then, in relation to the facility in respect of which the application mentioned in sub-paragraph (b) was made and until the expiry of two years from the grant of a licence pursuant to that application, regulation 3 shall not apply to that person and he shall be treated as technically competent for the purposes of Article 3(3)(b) of the 1997 Order.

(2) The types of facility mentioned in paragraph (1)(a) are all those listed in Table 1 other than any type of landfill site.

### **Notice of appeal**

**6.—**(1) A person who wishes to appeal to the Planning Appeals Commission under Article 17 or 36(5) of the 1997 Order (appeals to the Planning Appeals Commission from decisions with respect to licences or from determinations that information is not commercially confidential) shall do so by notice in writing.

(2) The notice shall be accompanied by –

- (a) a statement of the grounds of appeal;
- (b) where the appeal relates to an application for a waste management licence or for the modification, surrender or transfer of a waste management licence, a copy of the appellant's application and any supporting documents;
- (c) where the appeal relates to a determination under Article 36(2) or (4) of the 1997 Order that information is not commercially confidential, the information in question;
- (d) where the appeal relates to an existing waste management licence (including a waste management licence which has been suspended or revoked), a copy of that waste management licence;
- (e) a copy of any correspondence relevant to the appeal;
- (f) a copy of any other document relevant to the appeal including, in particular, any relevant consent, determination, notice, planning permission under the Planning (Northern Ireland) Order 1991(52) or consent under the Water Order; and
- (g) a statement indicating whether the appellant wishes to appear before and be heard by the Planning Appeals Commission.

(3) On receipt of an appeal the Planning Appeals Commission shall give notice of the appeal to the Department together with copies of the documents mentioned in paragraph (2).

(4) If the appellant wishes to withdraw an appeal, he shall do so by notifying the Planning Appeals Commission in writing and shall send a copy of that notification to the Department.

### **Time limit for making an appeal**

**7.** Notice of appeal shall be given –

- (a) in the case of an appeal under Article 17 of the 1997 Order, before the expiry of the period of 2 months beginning with –
  - (i) the date of the decision which is the subject of the appeal; or



- (ii) the date on which the Department is deemed by Article 8(6), 10(5), 13(9) or 14(6) of the 1997 Order to have refused the application;
- (b) in the case of an appeal under Article 36(5) of the 1997 Order, before the expiry of the period of 21 days beginning with the date on which the determination which is the subject of the appeal is notified to the person concerned.

#### **Notification of determination**

8.—(1) The Planning Appeals Commission shall notify the appellant in writing of its decision and of its reasons.

(2) The Planning Appeals Commission shall, at the same time as notifying the appellant of its decision, send the Department a copy of any document sent to the appellant under this regulation.

#### **Particulars to be entered in public registers**

9.—(1) Subject to Articles 35 and 36 of the 1997 Order and regulation 10, a register maintained by the Department under Article 34(1) of the 1997 Order shall contain full particulars of –

- (a) current or recently current waste management licences (“licences”) granted by the Department and any associated working plans;
- (b) current or recently current applications to the Department for licences, or for the transfer or modification of licences, including details of –
  - (i) documents submitted by applicants containing supporting information;
  - (ii) appropriate details of written representations considered by the Department under Article 8(5)(b), 9(6), 10(4) or 11(7) of the 1997 Order;
  - (iii) notices by the Department rejecting applications;
  - (iv) emergencies resulting in the postponement of references under Article 10(4)(a) of the 1997 Order;
- (c) notices issued by the Department under Article 10 of the 1997 Order effecting the modification of licences;
- (d) notices issued by the Department under Article 12 of the 1997 Order effecting the revocation or suspension of licences or imposing requirements on the holders of licences;
- (e) notices of appeal under Article 17 of the 1997 Order relating to decisions of the Department and other documents relating to such appeals served on or sent to the Department under regulation 6(3) or (4) or 8(2);
- (f) convictions of holders of licences granted by the Department for any offence under Part II of the 1997 Order (whether or not in relation to a licence) including the name of the offender, the date of conviction, the penalty imposed and the name of the Court;
- (g) reports produced by the Department in discharge of any functions under Article 16 of the 1997 Order, including details of –
  - (i) remedial or preventive action taken by the Department under Article 16(2) of the 1997 Order;
  - (ii) notices issued by the Department under Article 16(4) of the 1997 Order;
- (h) any monitoring information relating to the carrying on of any activity under a licence granted by the Department which was obtained by the Department as a result of its own monitoring or was furnished to the Department in writing by virtue of any condition of the licence or Article 44(1) of the 1997 Order;



- (i) any summary prepared by the Department of the amount of special waste produced or disposed of;
  - (j) registers and records provided to any district council under regulation 14(5) or 15(1) of the Special Waste Regulations (Northern Ireland) 1998;
  - (k) applications to the Department under Article 13 of the 1997 Order for the surrender of licences, including details of –
    - (i) documents submitted by applicants containing supporting information and evidence;
    - (ii) information and evidence obtained under Article 13(4) of the 1997 Order;
    - (iii) appropriate details of written representations considered by the Department under Article 13(6)(b) of the 1997 Order; and
    - (iv) notices of determination and certificates of completion issued under Article 13(8) of the 1997 Order;
  - (l) reports produced under Article 73(2) of the 1997 Order by a person authorised under that Article;
  - (m) information on exempt activities in accordance with regulation 18(2).
- (2) The register shall also contain the following –
- (a) where a person authorised by the Department exercises any power under Article 72(2) of the 1997 Order, a record showing when the power was exercised and indicating what information was obtained, and what action was taken, on that occasion;
  - (b) where any information is excluded from the register by virtue of Article 36 of the 1997 Order and the information shows whether or not there is compliance with any condition of a waste management licence, a statement based on that information indicating whether or not there is compliance with that condition.

(3) For the purposes of this regulation, waste management licences are “recently” current for the period of twelve months after they cease to be in force, and applications for waste management licences, or for the transfer or modification of such licences, are “recently” current if they relate to a waste management licence which is current or recently current or, in the case of an application which is refused, for the period of twelve months beginning with the date on which the Department gives notice of refusal or, as the case may be, on which the application is deemed by Article 8(6), 10(5) or 14(6) of the 1997 Order to have been refused.

#### **Information to be excluded or removed from a register**

**10.**—(1) Nothing in regulation 9(1)(g) or (l) or regulation 9(2) shall require a register maintained by the Department under Article 34(1) of the 1997 Order to contain information relating to, or to anything which is the subject-matter of, any criminal proceedings (including prospective proceedings) at any time before those proceedings are finally disposed of.

(2) Nothing in regulation 9 shall require a register maintained by the Department under Article 34(1) of the 1997 Order to contain –

- (a) any such monitoring information as is mentioned in regulation 9(1)(h) after 4 years have elapsed from that information being entered in the register; or
- (b) any information which has been superseded by later information after 4 years have elapsed from that later information being entered in the register.

#### **Mobile plant**

**11.**—(1) Plant of the following descriptions, if it is designed to move or be moved by any means from place to place with a view to being used at each such place or, if not so designed, is readily

capable of so moving or being so moved, but no other plant, shall be treated as being mobile plant for the purposes of Part II of the 1997 Order –

- (a) an incinerator which is an exempt incinerator for the purposes of section 5.1 of Schedule 1 to the 1998 Regulations or Section 5.1 of Part I of Schedule 1 to the 2003 Regulations;
- (b) plant for –
  - (i) the recovery, by filtration or heat treatment, of waste oil from electrical equipment;
  - (ii) the destruction by dechlorination of waste polychlorinated biphenyls or terphenyls (PCBs or PCTs);
  - (iii) the collection or storage of a controlled substance from any waste product, installation or equipment;
- (c) plant for the vitrification of waste;
- (d) plant for the treatment of clinical waste;
- (e) plant for the treatment of waste soil;
- (f) plant for the dewatering of muds, sludges, soils and dredgings;
- (g) plant for the treatment by lime stabilisation of sludge;
- (h) plant for the treatment of contaminated material, substances or products, for the purpose of remedial action with respect to land or a waterway.

(2) In this regulation “controlled substance” means any one of the following: – chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1.1.1 trichloroethane, methyl bromide, hydrobromofluorocarbons, hydrochlorofluorocarbons.

### **Health at work**

**12.** No conditions shall be imposed in any waste management licence, disposal licence or resolution for the purpose only of securing the health of persons at work (within the meaning of Part I of the Health and Safety at Work (Northern Ireland) Order 1978(53)).

### **Waste oils**

**13.—(1)** Where a waste management licence, disposal licence or resolution authorises the regeneration of waste oil, it shall include conditions which ensure that base oils derived from regeneration do not constitute a toxic and dangerous waste and do not contain PCBs or PCTs at all or do not contain them in concentrations beyond a specified maximum limit which in no case is to exceed 50 parts per million.

(2) Where a waste management licence, disposal licence or resolution authorises the keeping of waste oil, it shall include conditions which ensure that it is not mixed with toxic and dangerous waste or PCBs or PCTS.

(3) In this regulation –

“PCBs or PCTs” means polychlorinated biphenyls, polychlorinated terphenyls and mixtures containing one or both of such substances; and

“toxic and dangerous waste” means any waste containing or contaminated by arsenic, arsenic compounds, mercury, mercury compounds, cadmium, cadmium compounds, thallium, thallium compounds, beryllium, beryllium compounds, chrome 6 compounds, lead, lead compounds, antimony, antimony compounds, phenols, phenol compounds, cyanides, organic and inorganic isocyanates, organic-halogen compounds, excluding inert polymeric materials and other substances referred to in this list or covered by other Directives concerning the

disposal of toxic or dangerous waste, chlorinated solvents, organic solvents, biocides and phyto-pharmaceutical substances, tarry materials from refining and tar residues from distilling, pharmaceutical compounds, peroxides, chlorates, perchlorates and azides, ethers, chemical laboratory materials, not identifiable and/or new, whose effects on the environment are not known, asbestos (dust and fibres), selenium, selenium compounds, tellurium, tellurium compounds, aromatic polycyclic compounds (with carcinogenic effects), metal carbonyls, soluble copper compounds, acids and/or basic substances used in the surface treatment and finishing of metal; of such a nature, in such quantities or in such concentrations as to constitute a risk to health or the environment.

## Groundwater

**14.**—(1) Expressions used both in this regulation and in Council Directive [80/68/EEC](#)(**54**) have for the purposes of this regulation the same meaning as in that Directive.

- (2) Where the Department proposes to issue a waste management licence authorising –
- (a) any disposal or tipping for the purpose of disposal of a substance in list I which might lead to an indirect discharge into groundwater of such a substance;
  - (b) any disposal or tipping for the purpose of disposal of a substance in list II which might lead to an indirect discharge into groundwater of such a substance;
  - (c) a direct discharge into groundwater of a substance in list I; or
  - (d) a direct discharge into groundwater of a substance in list II,

the Department shall ensure that the proposed activities are subjected to prior investigation.

(3) The prior investigation referred to in paragraph (2) shall include examination of the hydrogeological conditions of the area concerned, the possible purifying powers of the soil and sub-soil and the risk of pollution and alteration of the quality of the groundwater from the discharge and shall establish whether the discharge of substances into groundwater is a satisfactory solution from the point of view of the environment.

(4) A waste management licence shall not be issued in any case within paragraph (2) until the Department has checked that the groundwater, and in particular its quality, will undergo the requisite surveillance.

- (5) In a case within paragraph (2)(a) or (c) –
- (a) where the Department is satisfied, in the light of the investigation, that the groundwater which may be affected by a direct or indirect discharge of a substance in list I is permanently unsuitable for other uses, especially domestic and agricultural, the waste management licence may only be issued if the Department is also satisfied that –
    - (i) the presence of that substance once discharged into groundwater will not impede exploitation of ground resources; and
    - (ii) all technical precautions will be taken to ensure that no substance in list I can reach other aquatic systems or harm other ecosystems; and
  - (b) where the Department is not satisfied, in the light of the investigation, that the groundwater which may be affected by such a discharge is permanently unsuitable for other uses, especially domestic and agricultural, a waste management licence may only be issued if it is made subject to such conditions as the Department is satisfied will ensure the observance of all technical precautions necessary to prevent any discharges into groundwater of substances in list I.

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(54) O.J. No. L 020, 26.1.80, p. 43.

(6) In a case within paragraph (2)(b) or (d), if a waste management licence is issued, it shall be issued subject to such conditions as the Department, in the light of the investigation, is satisfied will ensure the observance of all technical precautions for preventing groundwater pollution by substances in list II.

(7) Where a waste management licence is granted in any case within paragraph (2)(a) or (b), the licence shall be granted on such terms and subject to such conditions as specify –

- (a) the place where any disposal or tipping which might lead to a discharge into groundwater of any substances in list I or II is to be done;
- (b) the methods of disposal or tipping which may be used;
- (c) the essential precautions which must be taken, paying particular attention to the nature and concentration of the substances present in the matter to be disposed of or tipped, the characteristics of the receiving environment and the proximity of the water catchment areas, in particular those for drinking, thermal and mineral water;
- (d) the maximum quantity permissible, during one or more specified periods of time, of matter containing substances in list I or II and, where possible, of those substances themselves, to be disposed of or tipped and the appropriate requirements as to the concentration of those substances;
- (e) the technical precautions required by paragraph (5)(b) or (6);
- (f) if necessary, the measures for monitoring the groundwater, and in particular its quality.

(8) Where a waste management licence is granted in any case within paragraph (2)(c) or (d), the licence shall be granted on such terms and subject to such conditions as specify –

- (a) the place where any substances in list I or II are to be discharged into groundwater;
- (b) the method of discharge which may be used;
- (c) the essential precautions which must be taken, paying particular attention to the nature and concentration of the substances present in the effluents, the characteristics of the receiving environment and the proximity of the water catchment areas, in particular those for drinking, thermal and mineral water;
- (d) the maximum quantity of a substance in list I or II permissible in an effluent during one or more specified periods of time and the appropriate requirements as to the concentration of those substances;
- (e) the arrangements enabling effluents discharged into groundwater to be monitored;
- (f) if necessary, the measures for monitoring the groundwater, and in particular its quality.

(9) Any authorisation granted by a waste management licence for an activity within paragraph (2) shall be granted for a limited period only and shall be reviewed at least every 4 years.

(10) The Department shall review all disposal licences and all resolutions which authorise any activity within paragraph (2) and shall, so far as may be necessary to give effect to Council Directive [80/68/EEC](#) exercise its powers under Articles 47(2) and (3) of the 1997 Order to apply Articles 10 and 12 of the 1997 Order (variation and revocation etc. of licences) in relation to any such authorisation.

### **Amendments to the Groundwater Regulations (Northern Ireland) 1998**

**15.—**(1) The Groundwater Regulations (Northern Ireland) 1998<sup>(55)</sup> shall be amended as follows.

(2) In regulation 2(1) (Interpretation) –

- (a) after the definition of direct discharge add –

““existing disposal licence” and “existing resolution of a district council” shall have the meanings given by Article 47(1) of the Waste and Contaminated Land (Northern Ireland) Order 1997;” and

(b) at the end add –

““waste management licence” means a waste management licence issued under the Waste and Contaminated Land (Northern Ireland) Order 1997.”.

(3) At the end of regulation 3 (Exclusions from these Regulations) add –

“(d) any activity for which a waste management licence has been granted or in respect of which an existing disposal licence or an existing resolution of a district council subsists.”.

### **Exclusion of activities under other control regimes from waste management licensing**

**16.**—(1) Subject to paragraph (2), Article 4(1)(a), (b) and (c) of the 1997 Order shall not apply in relation to the carrying on of any of the following activities –

- (a) the deposit in or on land, recovery or disposal of waste under an authorisation granted under the Industrial Pollution Control Order where the activity is or forms part of a process designated for integrated central control under Article 3(4) of that Order;
- (b) the disposal of waste under an authorisation granted under the Industrial Pollution Control Order where the activity is or forms part of a process within paragraph (a) of Part C of Section 5.1 (incineration) of Schedule 1 to the 1998 Regulations in so far as the activity results in releases of substances into the air;
- (c) the deposit in or on land, recovery or disposal of waste under a permit granted under the 2003 Regulations to operate a Part A installation;
- (d) the disposal of waste under a permit granted under the 2003 Regulations where the activity is or forms part of an activity within paragraph (a) or (b) of Part C of section 5.1 (incineration) of Part I of Schedule 1 to those Regulations in so far as the activity results in the release of substances into the air;
- (e) the discharge of liquid waste under a consent under the Water Order or the Water and Sewerage Services (Northern Ireland) Order 1973; and
- (f) the recovery or disposal of waste where the activity is or forms part of an operation which is for the time being, either –
  - (i) the subject of a licence under Part II of the Food and Environment Protection Act 1985<sup>(56)</sup>; or
  - (ii) carried on in circumstances where such a licence would be required but for an order under section 7 of that Act.

(2) Paragraph (1)(a), (b) and (d) does not apply insofar as the activity involves the final disposal of waste by deposit in or on land.

(3) In paragraph (1)(c) “Part A installation” has the meaning given by regulation 2(2) of the 2003 Regulations.

### **Exemptions from waste management licensing**

**17.**—(1) Subject to the following provisions of this regulation and of regulations 18, 19 and 20 and to any conditions or limitations in Part I of Schedule 2, Article 4(1)(a) and (b) of the 1997 Order shall not apply in relation to the carrying on of any exempt activity.

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<sup>(56)</sup> 1985 c. 48; Part II is amended by sections 146 and 147 of, and Part VIII of Schedule 16 to, the Environmental Protection Act 1990 (c. 43)

- (2) In the case of an exempt activity which is carried out on land, paragraph (1) only applies if –
- (a) the exempt activity is carried on by or with the consent of the occupier of the land where the activity is carried on; or
  - (b) the person carrying on the exempt activity is otherwise entitled to do so on that land.
- (3) Unless otherwise indicated in Part I of Schedule 2, paragraph (1) does not apply to the carrying on of an exempt activity in so far as it involves special waste or treatment of end of life vehicles.
- (4) Paragraph (1) only applies in relation to an exempt activity by an establishment or undertaking if –
- (a) the type and quantity of waste submitted to the activity, and the method of disposal or recovery of waste is consistent with the need to attain the objectives mentioned in paragraph 4(1)(a) of Part I of Schedule 3;
  - (b) any information required under regulation 18(3) and 18(5) and the fee (if any) required under regulation 18(12) have been sent to the Department in the manner specified therein.
- (5) Subject to paragraph (6), paragraph (1) shall not apply to any exempt activity if that activity is carried out or is proposed to be carried out in or on land which is in the occupation of a person who is the holder of a licence for that land.
- (6) Paragraph (5) shall not apply where the establishment or undertaking has received written approval from the Department for the activity in question.
- (7) For the purposes of paragraph (5), any reference to a licence shall include a reference to an existing disposal licence or an existing resolution of a district council as defined in Article 47(1) of the 1997 Order.
- (8) Paragraph (4)(b) and regulations 18 to 20 shall not apply to exempt activities which are set out in paragraphs 27, 32, 33, 35, 37, 38, 39, 41, 42 or 43 of Part I of Schedule 2.

### **Registration in connection with exempt activities**

- 18.**—(1) It shall be an offence for an establishment or undertaking to carry on, after 19th June 2004, an exempt activity without being registered with the Department.
- (2) Subject to paragraph (3), the register maintained under Article 34(1) of the 1997 Order shall contain the following particulars in relation to each such establishment or undertaking which carries on an exempt activity –
- (a) the name and address of the establishment or undertaking, its telephone number and, if applicable, fax number and e-mail address;
  - (b) the activity which constitutes the exempt activity;
  - (c) the place or places where the activity is carried on; and
  - (d) a copy of any information received by the Department under paragraphs (3) and (5).
- (3) Subject to paragraphs (4) and (5), the Department shall enter the particulars referred to in paragraph (2) in the register in relation to an establishment or undertaking if it receives notice of them in writing and –
- (a) that notice is provided to it by or on behalf of that establishment or undertaking;
  - (b) that notice is accompanied by a plan of each place at which any such exempt activity is carried on showing –
    - (i) the boundaries of that place;
    - (ii) the locations within that place at which the exempt activity is to be carried on;
    - (iii) the location and specifications of any impermeable pavements, drainage systems or hardstandings as are required by a relevant paragraph of Part I of Schedule 2.

- (c) that notice contains the correct 6 figure Ordnance Survey Irish grid reference showing the location of each place referred to in sub-paragraph (b);
  - (d) that notice is accompanied by a payment of any fee in respect of each place where any such exempt activity is being carried on; and
  - (e) the registration has not been refused under regulation 20.
- (4) Paragraph 3(b) and (c) shall not apply to the exempt activities set out in paragraphs 8 and 31 of Part I of Schedule 2.
- (5) In the case of exempt activities set out in paragraph 8, 9, 10, 11, 13, 19, or 45 of Part I of Schedule 2, any additional information specified in Part II of that Schedule shall be entered in the register.
- (6) Subject to paragraph (7), the information to be notified to the Department shall be given in writing no later than 28 days before any exempt activity is carried out on the relevant land.
- (7) In the case of an exempt activity set out in paragraph 47 of Part I of Schedule 2, the necessary information shall be notified to the Department as soon as is practicable.
- (8) Subject to paragraph (9), the registration of an exempt activity shall cease to have effect on the expiry of the period of 3 years beginning with and including the date of the registration or the date of renewal under paragraph (11).
- (9) In the case of exempt activities set out in paragraphs 9, 10, 11, 13, 19, 45, 46 and 47 of Part I of Schedule 2, paragraph (8) shall have effect as if for “3 years” there is substituted “1 year”.
- (10) The Department shall, no later than 2 months before the expiry of the periods mentioned in paragraphs (8) and (9), serve on a registered establishment or undertaking a notice specifying –
- (a) the date on which the registration will expire; and
  - (b) the effect of the expiry of the registration.
- (11) The Department shall renew the particulars registered in respect of an exempt activity at the date of expiry of the previous registration relating to such activity (“the expiry date”) if no later than 28 days before the expiry date the establishment or undertaking carrying on such activity –
- (a) serves written notice on the Department of its desire to renew the registration;
  - (b) pays on or before the expiry date the fee specified in accordance with paragraph (12) for such renewal;
  - (c) confirms in such notice that there are no changes in the particulars registered in relation to that activity; or
  - (d) if there are any such changes, specifies in such notice the details of the changes and provides the amended documents and/or plans as may be required under paragraphs (3) and (5) in relation to the activity.
- (12) Subject to regulation 19(2), for the purposes of paragraph (3), the Department shall charge an applicant in respect of its consideration of his application –
- (a) in the case of exempt activities set out in paragraphs 1-8, 12, 14-18, 20-26, 28-31, 34, 36 and 40 and 44 of Part I of Schedule 2, a fee of £730 payable every 3 years; and
  - (b) in the case of exempt activities set out in paragraphs 9-11, 13, 19 and 45-47 of Part I of Schedule 2, an annual fee of £530.
- (13) On entering the particulars referred to in paragraph (2) in the register referred to in paragraph (2) the Department shall issue to the establishment or undertaking to whom the particulars relate, a notice confirming that such particulars have been so registered and giving the date of entry of such particulars on the register.
- (14) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.



### **Registration obligations**

**19.**—(1) Subject to paragraph (2), in the case of an exempt activity set out in the first column of Part II of Schedule 2, the relevant obligations set out in the second column of that Schedule (“the registration obligations”) shall apply to the registration of that activity.

(2) The Department may notify an establishment or undertaking in writing that some or all of the information required by regulation 18 does not need to be included with any notification under that regulation.

(3) Without prejudice to any requirement to keep records under paragraph 14 of Part I of Schedule 3, an establishment or undertaking carrying out an exempt activity to which this regulation applies, shall keep copies of the plans and documents specified in Part II of Schedule 2 for a period of at least 2 years.

### **Refusal, revocation and cessation of registration**

**20.**—(1) The Department may refuse to register an exempt activity in the event that the activity or, as the case may be, the content of the notification under regulation 18 does not comply with any requirements of regulations 17(4), 18(2) and 18(3) or any conditions or limitations set out in respect of the exempt activity in regulation 19(1) and 19(2) and in Parts I and II of Schedule 2.

(2) Where the Department has refused to register an activity under paragraph (1), it shall serve a notice on the establishment or undertaking stating that the registration has been refused and giving the reasons for its decision.

(3) Unless the Department has within the period of 28 days from the date on which it received a notice under regulation 18(3), either –

- (a) entered the relevant particulars in the register in relation to the establishment or undertaking which submitted the notice; or
- (b) served on it a notice of refusal stating that registration is refused and giving reasons for that decision,

those particulars shall be entered in the register at the end of that 28 day period.

(4) If an establishment or undertaking fails to supply all of the information required under regulations 18 and 19, the 28-day period referred to in paragraph (3) shall commence on the date on which the Department receives all of that information.

(5) Subject to paragraphs (6) and (7), the Department may revoke the registration of an exempt activity where it is satisfied that –

- (a) the establishment or undertaking to which the relevant entry relates no longer exists or has ceased to carry out that activity; or
- (b) the activity is no longer being carried out in compliance with the conditions or limitations of the relevant paragraph of Part I of Schedule 2 or with the relevant provisions of regulation 17(2) or (4); or
- (c) there has been a breach of any of the registration obligations applicable to that activity.

(6) Before revoking a registration, the Department shall serve on the establishment or undertaking carrying out the exempt activity, a notice (“a revocation notice”) stating that the registration is to be revoked and giving reasons for the decision.

(7) The revocation notice shall specify a date on which the revocation is to take place, which shall be at least 28 days after the date on which the notice is served.

(8) Subject to paragraph (9), details of registrations which have expired or which have been revoked under paragraph (5) shall remain on the register for a period of 4 years from the date of expiry or revocation.

(9) An entry retained on the register under paragraph (8) shall be appropriately marked to show that it has expired or been revoked.

(10) Nothing in this regulation shall prejudice the effect of the registration of the establishment or undertaking in respect of the period ending on the date on which the relevant entry is revoked or otherwise cancelled.

## **Waste Framework Directive**

**21.** Schedule 3 (which implements certain provisions of the Directive) shall have effect.

## **Registration of brokers**

**22.**—(1) Subject to paragraphs (2) to (4), it shall be an offence for an establishment or undertaking after 19 August 2004 to arrange (as dealer or broker) for the disposal or recovery of controlled waste on behalf of another person unless it is a registered broker of controlled waste.

(2) Paragraph (1) shall not apply in relation to an arrangement under which an establishment or undertaking will itself carry out the disposal or recovery of the waste and either –

(a) it is authorised to carry out the disposal or recovery of the waste by a waste management licence, a disposal licence, a resolution, an authorisation under Articles 6 to 12 of the Industrial Pollution Control Order, a permit under the 2003 Regulations, a discharge consent under Article 9 of the Water Order or a licence under Part II of the Food and Environment Protection Act 1985; or

(b) the recovery of the waste is covered by an exemption conferred by –

(i) regulation 17(1) and Part I of Schedule 2; or

(ii) Article 3 of the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995<sup>(57)</sup>.

(3) Paragraph (1) shall not apply in relation to an arrangement for the disposal or recovery of controlled waste made by a person who is registered as a carrier of controlled waste, or who is registered for the purposes of paragraph 12(1) of Part I of Schedule 3, if as part of the arrangement he transports the waste to or from any place in Northern Ireland.

(4) Paragraph (1) shall not apply to –

(a) a Government Department;

(b) a district council; or

(c) an establishment or undertaking which –

(i) is a charity within the meaning of section 35 of the Charities Act (Northern Ireland) 1964<sup>(58)</sup>;

(ii) is a voluntary body within the meaning of section 148 of the Local Government Act (Northern Ireland) 1972<sup>(59)</sup>;

(iii) applies before 19 August 2004 in accordance with Schedule 4 for registration as a broker of controlled waste but only whilst its application is pending (and paragraph 1(2) and (5) of Schedule 4 shall apply for the purpose of determining whether an application is pending).

(5) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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<sup>(57)</sup> S.R. 1995 No. 234

<sup>(58)</sup> 1964 c. 33 (N.I.)

<sup>(59)</sup> 1972 c. 9 (N.I.)

(6) Article 78 of the 1997 Order shall apply in relation to an offence under this regulation as it applies in relation to an offence under that Order.

(7) Schedule 4 (which makes provision for the registration of brokers of controlled waste) shall have effect.

(8) Articles 44(1) and (2) and 72 of the 1997 Order (power to obtain information and powers of enforcing authorities) shall have effect as if the provisions of this regulation and Schedule 4 were provisions of Part II of that Order.

### **Amendment of the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995**

**23.**—(1) The Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995 shall be amended as follows.

(2) In Article 3, before “A licence is not needed”, there shall be inserted “Subject to Article 4,”.

(3) After Article 3, there shall be added the following Articles –

#### **“Provisions relating to exemptions involving waste**

**4.**—(1) Article 3 only applies to an establishment or undertaking in relation to an operation specified in the Schedule to this Order involving the recovery or disposal of waste if –

- (a) it is carrying out –
  - (i) its own waste disposal at the place of production; or
  - (ii) waste recovery; and
- (b) the type and quantity of waste involved, and the method of disposal or recovery, are consistent with the need to attain the objective of ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without –
  - (i) risk to water, air, soil, plants or animals; or
  - (ii) causing nuisance through noise or odours; or
  - (iii) adversely affecting the countryside or places of special interest.

(2) In this Article and in Article 5, “disposal” and “recovery” have the meaning given by regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003.

#### **Registration of establishments and undertakings carrying on exempt operations**

**5.**—(1) It shall be an offence for an establishment or undertaking to carry on, after 19th June 2004, an exempt activity without being registered with the Department.

(2) It shall be the duty of the Department to establish and maintain a register for the purposes of paragraph (1) of establishments and undertakings carrying on exempt activities.

(3) The register shall contain the following particulars in relation to each such establishment or undertaking –

- (a) the name and address of the establishment or undertaking;
- (b) the activity which constitutes the exempt activity; and
- (c) the place where the activity is carried on.

(4) The Department shall enter those particulars in the register in relation to an establishment or undertaking if it receives notice of them in writing.

(5) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) The Department shall secure that any register maintained under this Article is available, at all reasonable times, for inspection by the public free of charge and shall afford to members of the public, facilities for obtaining copies of entries, on payment of reasonable charges.

(7) Registers under this Article may be kept in any form.

(8) In this Article, “exempt activity” means any operation specified in the Schedule involving the disposal or recovery of waste to which Article 3 applies.”.

### **Amendment of the Special Waste Regulations (Northern Ireland) 1998**

**24.**—(1) The Special Waste Regulations (Northern Ireland) 1998<sup>(60)</sup> shall be amended as follows.

(2) In regulation 1(4) the following definitions shall be inserted at the appropriate places –

“the 2003 Regulations” means the Waste Management Licensing Regulations (Northern Ireland) 2003;

“waste management licence” shall include a disposal licence and a resolution passed under Article 13 of the 1978 Order;.

(3) In regulation 14 (registers), for paragraphs (5), (6) and (7) there shall be substituted the following –

“(5) Subject to paragraphs (6) and (7), consignment notes and carrier’s schedules required by paragraph (3) to be kept by a person shall be retained until his waste management licence for the site in question is surrendered or revoked entirely, at which time he shall send the register to the Department for the site; and the Department shall retain the register for not less than three years after its receipt.

(6) Where, by virtue of regulation 16(1)(a) or (b) of the 2003 Regulations, Article 4(1) (a), (b) and (c) of the 1997 Order does not apply to any of the activities carried on at a site at which special waste is received, paragraph 5 shall have effect as if any reference to the surrender or revocation of a person’s waste management licence were a reference to the surrender or revocation of his authorisation under the Industrial Pollution Control (Northern Ireland) Order 1997 for the site in question.

(6A) Where, by virtue of regulation 16(1)(c) or (d) of the 2003 Regulations, Article 4(1) (a), (b) and (c) of the 1997 Order does not apply to any of the activities carried on at a site at which special waste is received, paragraph (5) shall have effect as if any reference to the surrender or revocation of a person’s waste management licence were a reference to the surrender or revocation of his permit under the Pollution Prevention and Control Regulations (Northern Ireland) 2003 for the site in question.

(7) Where, in circumstances other than those mentioned in paragraph (6) or (6A), Article 4(1)(a) and (b) of the 1997 Order does not apply to any of the activities carried on at a site at which special waste is received, each consignment note and carrier’s schedule required to be kept in a register shall be kept in that register for not less than three years from the date on which the consignment of special waste to which it relates was received at the site to which it was transported.”.

### **Amendment of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999**

**25.**—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999<sup>(61)</sup> shall be amended as follows.

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<sup>(60)</sup> S.R. 1998 No. 289

<sup>(61)</sup> S.R. 1999 No. 362

- (2) In regulation 1(2), the following definitions shall be inserted at the appropriate place –
- “the 2003 Regulations” means the Waste Management Licensing Regulations (Northern Ireland) 2003;
- “the Community Regulation” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption as amended by and as read with –
- (a) Commission Regulation (EC) No. 808/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption;
  - (b) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures;
  - (c) Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs;
  - (d) Commission Decision 2003/320/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the use in feed of used cooking oil;
  - (e) Commission Decision 2003/321/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the processing standards for mammalian blood;
  - (f) Commission Decision 2003/326/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants; and
  - (g) Commission Decision 2003/327/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them;”.
- (3) For regulation 2(1)(d) there shall be substituted –
- “(d) any wholly owned subsidiary of the Northern Ireland Railways Company Limited which has applied in accordance with these Regulations for registration as a carrier of controlled waste but only –
- (i) if it is registered under paragraph 12 of Part I of Schedule 3 to the 2003 Regulations; and
  - (ii) whilst its application is pending.”.
- (4) For regulation 2(1)(j), there shall be substituted –
- “(d) subject to paragraph (1A) a person transporting animal by-products provided that such transportation –
- (i) is by the holder of an approval in accordance with the Community Regulation;
  - (ii) is in connection with the activity to which that approval relates; and
  - (iii) only involves waste which is animal by-products.”.
- (5) After regulation 2(1), there shall be inserted –
- “(1A) Regulation 2(1)(j) shall not apply to the transportation of animal by-products –
- (a) for the purposes of their final deposit in or on land or for the purposes of their incineration or co-incineration;

- (b) which are dead domestic pets; or
- (c) which comprise or contain either catering waste or waste which is former foodstuffs unless such waste is to be fed to animals in accordance to Article 23(2) of the Community Regulation.

(1B) For the purpose of paragraph (1A), the reference to feeding waste to animals shall be taken to include a reference to feeding such waste to maggots.”.

(6) In regulation 2(2) –

(a) for the definition of “animal by-products” there shall be substituted –

““animal by-products” has the meaning given by Article 2 of the Community Regulation;”; and

(b) the following definitions shall be inserted at the appropriate places –

““catering waste”, “incineration” and “co-incineration” shall have the meaning set down in Annex I to the Community Regulation;

“former foodstuffs” are those animal by-products referred to in Article 6(1)(f) of the Community Regulation;

“wholly owned subsidiary” has the same meaning as in Article 4 of the Companies (Northern Ireland) Order 1986.”.

(7) After regulation 4(6), there shall be inserted the following paragraphs –

“(6A) Where an applicant wishes to apply to be registered both as a broker and as a carrier of controlled waste, he may make a combined application on a form provided by the Department for that purpose.

(6B) Where an applicant wishes to apply both for the renewal of his registration as a broker of controlled waste and for the renewal of his registration as a carrier of controlled waste, he may make a combined application on a form provided by the Department for that purpose.”.

(8) For regulation 4(7), there shall be substituted –

“(7) The Department shall provide a copy of the appropriate application form free of charge to any person requesting one.”.

(9) For regulation 4(8), there shall be substituted –

“(8) The Department shall charge an applicant in respect of its consideration of his application –

(a) subject to paragraph (c), in the case of either an application for registration as a carrier of controlled waste or a combined application for registration as both a carrier and broker of controlled waste, £120;

(b) in the case of either an application for the renewal of a registration as a carrier of controlled waste or a combined application for renewal of registration both as a carrier and as a broker of controlled waste, £60;

(c) in the case of an application by a registered broker of controlled waste for registration as a carrier of controlled waste, £30,

and the applicant shall pay the charge when he makes his application.”.

(10) After regulation 4(10) there shall be inserted –

“(11) In this regulation –

“broker of controlled waste” has the same meaning as in regulation 22 of, and Schedule 4 to, the 2003 Regulations;”.

### **End of Life Vehicles Directive**

**26.**—(1) Schedule 5 (which implements certain provisions of the End of Life Vehicles Directive) shall have effect.

(2) A waste management licence or a disposal licence for the storage or treatment of end of life vehicles shall be granted on terms and subject to conditions that meet the requirements of Schedule 5 and, where necessary, the Department shall issue or vary the conditions of a licence to require that the conditions of Schedule 5 apply to the storage or treatment of any waste motor vehicle of any type or description or to end of life vehicles in accordance with the provisions of the End of Life Vehicles Directive and its measures to protect the environment and prevent harm to human health.

(3) A waste management licence shall not be granted to an applicant for a waste management licence that includes the storage and treatment of end of life vehicles unless the Department is satisfied that the applicant will become the person having control over the storage and treatment of those vehicles in the event of a licence being granted and that the applicant will ensure that any treatment will comply with conditions attached to the licence including the requirements of Schedule 5.

(4) Any establishment or undertaking carrying on the treatment of end of life vehicles in accordance with a waste management licence or a disposal licence and the requirements of Schedule 5 shall be referred to as an authorised treatment facility.

### **Revocations**

**27.**—(1) The Waste Collection and Disposal Regulations (Northern Ireland) 1992(**62**) in so far as not already revoked are hereby revoked.

(2) The Waste Collection and Disposal (Amendment) Regulations (Northern Ireland) 1997(**63**) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 28th November 2003.

L.S.

*Judena Goldring*  
A Senior Officer of the  
Department of the Environment

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(62) S.R. 1992 No. 254

(63) S.R. 1997 No. 52



## SCHEDULE 1

Regulation 3

## CERTIFICATES OF TECHNICAL COMPETENCE

1. The qualifications required of a person if he is to be regarded as technically competent for the purposes of Article 3(3)(b) of the 1997 Order to manage a facility of a description listed in Table 1 are that that person must hold one of the certificates awarded by WAMITAB, the codes of which are specified in relation to that description of facility in that Table; and the certificates to which the codes refer are set out in Table 2.

**Table 1**

<i>Number</i>	<i>Type of Facility</i>	<i>Certificate Code</i>
1	Landfill site for hazardous waste	A, D, or G
2	Landfill site for hazardous waste – single waste stream	A, D, G or H
3	Landfill site for non-hazardous waste	A, B, D, E, G or I
4	Landfill site for non-hazardous waste – single waste stream	A, B, D, E, G, H, I or J
5	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	A, B, C, D, E, F, G, I or K
6	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres – single waste stream	A, B, C, D, E, F, G, H, I, J, K or L
7	Closed landfill site for hazardous waste	A, D, G or M
8	Closed landfill site for hazardous waste – single waste stream	A, D, G, H or M
9	Closed landfill site for non-hazardous waste	A, B, D, E, G, I or M
10	Closed landfill site for non-hazardous waste – single waste stream	A, B, D, E, G, H, I, J or M
11	Closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	A, B, C, D, E, F, G, I, K or M
12	Closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres – single waste stream	A, B, C, D, E, F, G, H, I, J, K, L or M

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<i>Number</i>	<i>Type of Facility</i>	<i>Certificate Code</i>
13	Treatment plant where hazardous waste is subjected to a chemical or physical process	N, P or S
14	Treatment plant where hazardous clinical waste is subjected to a physical or chemical process	N, P, S or Ss
15	Treatment plant where hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	N, P, S or T
16	Treatment plant where non-hazardous waste is subjected to a chemical or physical process	N, P, Q, S or U
17	Treatment plant where non-hazardous waste is subjected to a composting process	N, P, Q, S, U or W
18	Treatment plant where non-hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	N, P, Q, S, T, U or V
19	Treatment plant where non-hazardous clinical waste is subjected to a chemical or physical process	N, P, S, Ss or X
20	Treatment plant where inert waste is subjected to a chemical or physical process	N, O, P, Q, R, S, U or Y
21	Transfer station for hazardous waste where the capacity of the facility is greater than 5 cubic metres	Z, DD or II
22	Transfer station for hazardous clinical waste where the capacity of the facility is greater than 5 cubic metres	Z, DD, II or JJ
23	Transfer station for non-hazardous waste where the capacity of the facility is greater than 5 cubic metres	Z, DD, EE, II or KK
24	Transfer station for non-hazardous clinical waste where the capacity of the facility is greater than 5 cubic metres	Z, DD, II, JJ or LL

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<i>Number</i>	<i>Type of Facility</i>	<i>Certificate Code</i>
25	Transfer station for inert waste where the capacity is greater than 50 cubic metres	Z, AA, DD, EE, FF, II, KK or MM
26	Civic amenity site where the amount of waste accepted is 5000 tonnes per annum or less	Z, BB, DD, EE, GG, II, KK or NN
27	Civic amenity site where the amount of waste accepted is greater than 5000 tonnes per annum	Z, DD, EE, II or KK
28	Site where waste is burned in an incinerator designed to incinerate waste at a rate of more than 50 kilograms per hour but less than 1 tonne per hour	CC, HH or OO

Notes to Table 1:

The following certificates ceased to be awarded on 9th October 1997: A, B, C, N, O, Z, AA, BB and CC.

The following certificates ceased to be awarded on 31st March 2003: D, E, F, P, Q, R, DD, EE, FF, GG and HH.

**Table 2**

<i>Code</i>	<i>Relevant Certificate of Technical Competence</i>
A	Managing Landfill Operations: Special Waste (Level IV)
B	Managing Landfill Operations: Biodegradable Waste (Level IV)
C	Landfill Operations: Inert Waste (Level III)
D	Managing Landfill Operations: Special Waste (Level 4)
E	Managing Landfill Operations: Biodegradable Waste (Level 4)
F	Landfill Operations: Inert Waste (Level 3)
G	Level 4 in Waste Management Operations – Managing Landfill Hazardous Waste
H	Level 4 in Waste Management Operations – Managing Landfill Hazardous Waste (Single Waste Stream)
I	Level 4 in Waste Management Operations – Managing Landfill Non-Hazardous Waste

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<i>Code</i>	<i>Relevant Certificate of Technical Competence</i>
J	Level 4 in Waste Management Operations – Managing Landfill Non-Hazardous Waste (Single Waste Stream)
K	Level 3 in Waste Management Operations – Inert Waste (landfill)
L	Level 3 in Waste Management Operations – Inert Waste (Single Waste Stream)
M	Level 3 in Waste Management Operations – Closed Landfill
N	Managing Treatment Operations: Special Waste (Level IV)
O	Treatment Operations: Inert Waste (Level III)
P	Managing Treatment Operations: Clinical or Special Waste (Level 4)
Q	Managing Treatment Operations: Biodegradable Waste (Level 4)
R	Treatment Operations: Inert Waste (Level 3)
S	Level 4 in Waste Management Operations – Managing Treatment Hazardous Waste
Ss	Level 4 in Waste Management Operations – Managing Treatment Hazardous Waste (Clinical)
T	Level 4 in Waste Management Operations – Managing Treatment Hazardous Waste (Remediation of Contaminated Land)
U	Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste
V	Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste (Remediation of Contaminated Land)
W	Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste (Composting)
X	Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste (Clinical)
Y	Level 3 in Waste Management Operations – Inert Waste (Treatment)
Z	Managing Transfer Operations: Special Waste (Level IV)
AA	Transfer Operations: Inert Waste (Level III)
BB	Civic Amenity Site Operations (Level III)

<i>Code</i>	<i>Relevant Certificate of Technical Competence</i>
CC	Managing Incineration Operations: Special Waste (Level IV)
DD	Managing Transfer Operations: Clinical or Special Waste (Level 4)
EE	Managing Transfer Operations: Biodegradable Waste (Level 4)
FF	Transfer Operations: Inert Waste (Level 3)
GG	Civic Amenity Site Operations (Level 3)
HH	Managing Incinerator Operations: Special Waste (Level 4)
II	Level 4 in Waste Management Operations: Managing Transfer Hazardous Waste
JJ	Level 4 in Waste Management Operations: Managing Transfer Hazardous Waste (Clinical)
KK	Level 4 in Waste Management Operations: Managing Transfer Non-Hazardous Waste
LL	Level 4 in Waste Management Operations: Managing Transfer Non-Hazardous Waste (Clinical)
MM	Level 3 in Waste Management Operations: Inert Waste (Transfer)
NN	Level 3 in Waste Management Operations: Civic Amenity Site
OO	Level 4 in Waste Management Operations: Managing Incineration

2. In Table 1 –

“civic amenity site” means a place provided by virtue of Article 22(1) of the 1978 Order or Article 25(1)(b) of the 1997 Order;

“closed landfill” means a landfill site which ceases to accept waste on or after the coming into operation of these Regulations;

“hazardous waste” means –

- (a) waste which is hazardous waste within the meaning of Article 1(4) of Council Directive [91/689/EEC\(64\)](#) on hazardous waste (the “Hazardous Waste Directive”), as amended by Council Directive [94/31/EC\(65\)](#); and
- (b) medicinal waste, that is to say, any waste medicinal product which is not domestic waste within the meaning of the Hazardous Waste Directive,

and in this definition, “medicinal product” means a product as defined in section 130 of the Medicines Act 1968([66](#)) (meaning of “medicinal product” and related expressions) of a

(64) O.J. No. L377, 31.12.1991, p. 20

(65) O.J. No. L168, 2.7.1994, p. 28

(66) [1968 c. 67](#); section 130 is amended by paragraph 3(7) to (10) of Schedule 1, and Schedule 2, to the Animal Health and Welfare Act 1984 (c. 40)

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description, or falling within a class, specified in an order under section 58 of that Act<sup>(67)</sup> (medicinal products on prescription only);

“landfill site” means a waste disposal site for the deposit of waste onto or into land, including –

- (a) subject to sub-paragraph (b), 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;

but excluding –

- (i) any facility where waste is unloaded in order to permit its preparation for further transport for recovery, treatment or disposal elsewhere;
- (ii) any site where waste is stored as a general rule for a period of less than three years prior to recovery or treatment; and
- (iii) any site where waste is stored for a period of less than one year prior to disposal;

“non-hazardous waste” means any waste which is not covered by the definition of hazardous waste;

“single waste stream” in relation to a waste disposal site refers to a site where the producer of all of the waste disposed of at that site is also the holder of the waste management licence, a disposal licence or a resolution for that site; and

“transfer station” means a facility where waste is unloaded in order to permit its preparation for further transport for treatment, keeping or disposal elsewhere; and

“waste” is “inert waste” if –

- (a) it does not undergo any significant physical, chemical or biological transformations;
- (b) it does not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm to human health; and
- (c) its total leachability and pollutant content and the ecotoxicity of its leachate are insignificant and, in particular, do not endanger the quality of any surface water or groundwater.

## SCHEDULE 2

Regulations 1(3) and 17

### EXEMPTIONS FROM WASTE MANAGEMENT LICENSING

#### PART I

##### ACTIVITIES EXEMPT FROM WASTE MANAGEMENT LICENSING

1.—(1) The use, under an authorisation granted under the Industrial Pollution Control Order, of waste glass as part of a process within Part B of section 3.5 (glass manufacture and production) of Schedule 1 to the 1998 Regulations if the total quantity of waste glass so used in that process does not exceed 600,000 tonnes in any period of twelve months.

(2) The storage, at the place where the process is carried on, of any such waste which is intended to be so used.

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<sup>(67)</sup> Section 58 is amended by section 1 of the Medicine Products: Prescription by Nurses etc. Act 1992 (c. 28)

2.—(1) The use, under a permit under the 2003 Regulations, of waste glass as part of an activity within Part B of section 3.3 (the manufacture of glass and glass fibre) of Part I of Schedule 1 to the 2003 Regulations if the total quantity of waste glass so used in that activity does not exceed 600,000 tonnes in any period of twelve months.

(2) The storage, at the place where the activity is carried out, of any such waste which is intended to be so used.

3.—(1) The operation, under an authorisation granted under the Industrial Pollution Control Order, of a scrap metal furnace with a designed holding capacity of less than 25 tonnes to the extent that it is or forms part of a process within paragraphs (b), (e) or (f) of Part B or paragraphs (a), (b) or (d) of Part C of section 2.1 (iron and steel), or paragraphs (a), (b) or (c) of Part B or paragraphs (a) or (b) of Part C of section 2.2 (non-ferrous metals), of Schedule 1 to the 1998 Regulations.

(2) The loading or unloading of such a furnace in connection with its operation in a manner covered by the exemption conferred by sub-paragraph (1).

(3) The storage, at the place where such a furnace is located (but not in cases where that place is used for carrying on business as a scrap metal dealer), of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (1).

4.—(1) The operation, under a permit under the 2003 Regulations, of a scrap metal furnace with a designed holding capacity of less than 25 tonnes to the extent that it is or forms part of an activity within paragraph (a), (b) or (d) of Part C of Section 2.1 (ferrous metals), or paragraph (a) of Part B or paragraph (a) or (b) of Part C of section 2.2 (non-ferrous metals), of Part I of Schedule 1 to the 2003 Regulations.

(2) The loading or unloading of such a furnace in connection with its operation in a manner covered by the exemption conferred by sub-paragraph (1).

(3) The storage, at the place where such a furnace is located (but not in cases where that place is used for carrying on business as a scrap metal dealer), of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (1).

5. The carrying on of any of the following operations –

(a) burning as a fuel, under an authorisation granted under the Industrial Pollution Control Order or a permit under the 2003 Regulations, of –

(i) straw, poultry litter or wood;

(ii) waste oil; or

(iii) solid fuel which has been manufactured from waste by a process involving the application of heat,

to the extent that it is or forms part of a process within Part B or Part C of any section of Schedule 1 to the 1998 Regulations or an activity within Part B or Part C of any section of Part I of Schedule 1 to the 2003 Regulations;

(b) the secure storage on the premises where the waste is to be burnt of any wastes mentioned in sub-paragraph (a), other than waste oil, which are intended to be burned as mentioned in that sub-paragraph;

(c) the secure storage of waste oil at the place where it is to be burnt for a period not exceeding twelve months if the waste oil is intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (a);

(d) burning as a fuel, under an authorisation granted under the Industrial Pollution Control Order or a permit under the 2003 Regulations, of tyres to the extent that it is or forms part of a process within Part C of Section 1.3 of Schedule 1 to the 1998 Regulations or an activity within Part C of Section 1.1 of Part I of Schedule 1 to the 2003 Regulations;



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- (e) the shredding of tyres at the place where they are to be burnt if they are intended to be burned as mentioned in sub-paragraph (d);
- (f) the storage in a secure place on the premises where the waste is to be burnt of tyres where –
  - (i) the tyres are intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (d);
  - (ii) the tyres are stored separately;
  - (iii) none of the tyres is stored on the premises for longer than twelve months; and
  - (iv) the number of the tyres stored on the premises at any one time does not exceed 1,000.

6.—(1) The cleaning, washing, spraying or coating of waste consisting of packaging or containers so that it or they can be reused if the total quantity of such waste so dealt with at any place does not exceed 1,000 tonnes in any period of seven days.

(2) The storage of waste in connection with the carrying on of any activities described in sub-paragraph (1) if that storage is at the place where the activity is carried on unless –

- (a) the total quantity of such waste stored at that place exceeds 1,000 tonnes; or
- (b) more than 1 tonne of metal containers used for the transport or storage of any chemical are dealt with in any period of seven days.

7.—(1) Burning waste as a fuel in an appliance if the appliance has a net rated thermal input of less than 0.4 megawatts or, where the appliance is used together with (whether or not it is operated simultaneously with) other appliances, the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

(2) The secure storage on the premises where the burning is to take place of waste intended to be submitted to such burning.

(3) In this paragraph, “net rated thermal input”, means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

8.—(1) Burning waste oil as a fuel in an engine of an aircraft, hovercraft, mechanically propelled vehicle, railway locomotive, ship or other vessel if the total amount burned of such waste does not exceed 2,500 litres an hour in any one engine.

(2) The storage, in a secure container, of waste oil intended to be so burned.

9.—(1) Subject to sub-paragraph (3) and any limitation set down in Column 3 of Table 3, the treatment of waste –

- (a) identified by EWC Code in Column 1 of Table 3 and referred to in Column 2 of that Table, on land used for agriculture where such treatment results in benefit to agriculture or ecological improvement; or
- (b) listed in Part I of Table 3 and identified by EWC Code in Column 1 of Table 3 and referred to in Column 2 of that Table for the treatment of –
  - (i) operational land of a railway, light railway, or any Government Department; or
  - (ii) land which is a forest, woodland, park, garden, verge, bank of an inland waterway, landscaped area, sports ground, recreation ground, churchyard or cemetery,

where the land in question is not used for agriculture and such treatment results in ecological improvement.

(2) The storage, in a secure container, lagoon or place, at the place where it is to be treated, of not more than 1000 cubic metres of waste intended to be used in reliance upon the exemption conferred by sub-paragraph (1), provided that the waste is not stored at a distance less than –

- (a) 10 metres from any waterway;
- (b) 50 metres from any spring or well, or from any borehole not used for a public water supply; or
- (c) 250 metres from any borehole used for a public water supply.

(3) Sub-paragraphs (1) and (2) apply only if –

- (a) no more than 250 tonnes or, in the case of dredgings from inland waters, 5,000 tonnes of waste per hectare are spread on the land in any period of twelve months; and
- (b) in the case of blood and gut contents, the waste has been treated in accordance with the Community Regulation.

(4) In this paragraph and paragraph 10, “agriculture” has the same meaning as in section 43 of the Agriculture Act (Northern Ireland) 1949<sup>(68)</sup> and for the purposes of this paragraph, waste is subject to treatment only when it is spread on land or is injected or otherwise introduced into the surface of that land.

**Table 3**

<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
PART I		
	<i>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>	
02 01 03	plant-tissue waste	
	<i>Wastes from sugar processing (02 04)</i>	
02 04 01	soil from cleaning and washing beet	
	<i>Wastes from wood processing and the production of panels and furniture (03 01)</i>	
03 01 01	waste bark and cork	
03 01 05	Sawdust, shavings, cuttings, wood, particle board or veneer other than those mentioned in 03 01 04	Except whole wood, particle board and plastic veneer
	<i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 01	waste bark and wood	

<sup>(68)</sup> 1949 c. 2 (N.I.)

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<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
	<i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 04	soil and stones other than those mentioned in 17 05 03	
	<i>Wastes from aerobic treatment of solid wastes (19 05)</i>	
19 05 03	off-specification compost	consisting only of biodegradable waste
	<i>Garden and park wastes (including cemetery waste) (20 02)</i>	
20 02 01	biodegradable waste	
20 02 02	soil and stones	
PART II		
	<i>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>	
02 01 99	Waste not otherwise specified	Straw, wood or paper – based bedding waste, slurry or dirty water from stables, zoos, animal parks or livestock markets only
	<i>Wastes from the preparation and processing of meat, fish and other foods of animal origin (02 02)</i>	
02 02 03	Materials unsuitable for consumption or processing	Blood and gut contents from abattoirs or poultry preparation plants only
	<i>Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production; molasses preparation and fermentation (02 03)</i>	
02 03 01 to 02 03 05	All types within 02 03 01 to 02 03 05	
	<i>Wastes from sugar processing (02 04)</i>	

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<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
02 04 01 to 02 04 03	All types within 02 04 01 to 02 04 03  <i>Wastes from the dairy products industry (02 05)</i>	
02 05 01 to 02 05 02	All types within 02 05 01 to 02 05 02  <i>Wastes from the baking and confectionery industry (02 06)</i>	
02 06 01 to 02 06 03	All types within 02 06 01 to 02 06 03  <i>Wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa) (02 07)</i>	
02 07 01 to 02 07 05	All types within 02 07 01 to 02 07 05  <i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 05	De-inking sludges from paper recycling	
03 03 09	lime mud waste	
03 03 99	Waste not elsewhere specified  <i>Wastes from the leather and fur industry (04 01)</i>	De-inked paper pulp from paper recycling
04 01 07	sludges, in particular from on-site effluent treatment free of chromium  <i>Wastes from the textile industry (04 02)</i>	
04 02 10	organic matter from natural products (for example grease, wax)	
04 02 15	Wastes from finishing other than those mentioned in 04 02 14	
04 02 20	sludges from on-site effluent treatment other than those mentioned in 04 02 19	
04 02 21	Wastes from unprocessed textile fibres	

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<i>EWG Code</i>	<i>Types of waste</i>	<i>Limitation</i>
04 02 22	Wastes from processed textile fibres  <i>Wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>	
10 13 04	Wastes from calcination and hydration of lime  <i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 06	dredging spoil other than those mentioned in 17 05 05  <i>Wastes from anaerobic treatment of waste (19 06)</i>	
19 06 03	liquor from anaerobic treatment of municipal waste	
19 06 04	digestate from anaerobic treatment of municipal waste	
19 06 05	liquor from anaerobic treatment of animal and vegetable waste	
19 06 06	digestate from anaerobic treatment of animal and vegetable waste  <i>Wastes from the preparation of water intended for human consumption or for industrial use (19 09)</i>	
19 09 02	Sludges from water clarification	

10.—(1) The spreading of sludge on land which is not agricultural land within the meaning of the 1990 Regulations<sup>(69)</sup> if –

- (a) it results in ecological improvement or in the case of spreading on land used for non-food crops not grown in short term rotation with food crops, it results in benefit to agriculture; and
- (b) it does not cause the concentration in the soil of any of the elements listed in column 1 of the soil table set out in Schedule 2 to the 1990 Regulations to exceed the limit specified in column 2 of the table.

(2) Subject to sub-paragraph (3), the storage in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place) on land –

<sup>(69)</sup> See regulation 2(1) of the 1990 Regulations

- (a) of sludge which is to be used in accordance with the 1990 Regulations;
  - (b) of sludge intended to be spread in reliance upon the exemption conferred by sub-paragraph (1).
- (3) Sub-paragraph (2) applies only if the following conditions are satisfied –
- (a) the sludge is stored at the place where it is to be spread;
  - (b) no sludge is stored at a distance less than –
    - (i) 10 metres from any waterway;
    - (ii) 50 metres from any spring or well, or from any borehole not used for a public water supply; or
    - (iii) 250 metres from any borehole used for a public water supply; and
  - (c) no sludge shall be stored for a period of more than six months.
- (4) In this paragraph –
- “the 1990 Regulations” means the Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990<sup>(70)</sup>;
- “used”, in relation to sludge, has the meaning given by regulation 2(1) of the 1990 Regulations; and
- “agriculture” has the same meaning as in the 1990 Regulations.
- (5) In this paragraph, and in paragraph 11, “sludge” has the meaning given by regulation 2(1) of the 1990 Regulations and “spreading” shall include the injection of sludge into the surface of the land.
- 11.—(1) Subject to the following provisions of this paragraph and any limitation set down in Column 3 of Table 4, the spreading of any of the wastes –
- (a) identified by EWC Code in Column 1 of Part I of Table 4 and referred to in Column 2 of that Table on any land; or
  - (b) identified by EWC Code in Column 1 of Part II of Table 4 and referred to in Column 2 of that Table on any land where that activity results in benefit to agriculture or ecological improvement.
- (2) The secure storage, for a period not exceeding six months at the place where it is to be spread, of waste intended to be spread in reliance upon sub-paragraph (1)(a) or (b).
- (3) Sub-paragraphs (1) and (2) apply only where –
- (a) the spreading is carried out for the purpose of reclamation, restoration or improvement of land which has been subject to industrial or other man made development and the use to which that land could be put would be improved by the spreading;
  - (b) the spreading is carried out in accordance with any planning permission where such a permission is required;
  - (c) the waste is spread to a depth not exceeding the lesser of 2 metres or the final cross sections shown on any plan required to be submitted in accordance with regulation 19 and Part II to this Schedule; and
  - (d) the waste spread does not exceed 20,000 cubic metres per hectare.

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<sup>(70)</sup> S.R. 1990 No. 245

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**Table 4**

<i>EWG Code</i>	<i>Types of waste</i>	<i>Limitation</i>
PART I		
	<i>Wastes from physical and chemical processing of non-metalliferous minerals (01 04)</i>	
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07	
01 04 09	waste sand and clays	
	wastes from sugar processing (02 04)	
02 04 01	soil from cleaning and washing beet	
	<i>Wastes from power stations and other combustion plants (except 19) (10 01)</i>	
10 01 01	bottom ash, slag and boiler dust (excluding boiler dust mentioned in 10 01 04)	Bottom ash and slag only
	<i>Wastes from manufacture of ceramic goods, bricks, tiles and construction products (10 12)</i>	
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)	
	<i>Wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>	
10 13 14	waste concrete and concrete sludge	
	<i>Construction and demolition wastes (including excavated soil from contaminated sites) comprising concrete, bricks, tiles and ceramics (17 01)</i>	
17 01 01	Concrete	
17 01 02	Bricks	
17 01 03	tiles and ceramics	

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<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
17 01 07	mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06  Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)	
17 05 08	Track ballast other than that mentioned in 17 05 07  <i>Wastes from the mechanical treatment of waste (e.g. sorting, crushing, compacting, palletising) not otherwise specified (19 12)</i>	
19 12 09	minerals (for example sand, stones)  <i>Wastes from soil and groundwater remediation (19 13)</i>	
19 13 02	Solid wastes from soil remediation other than those mentioned in 19 13 01  <i>Garden and park wastes (including cemetery waste) (20 02)</i>	
20 02 02	soil and stones	
PART II		
	<i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 05	de-inking sludges from paper recycling	
03 03 07	Mechanically separated rejects from pulping of waste paper and cardboard	
03 03 09	lime mud waste	
03 03 99	Wastes not otherwise specified  <i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	De-inked paper pulp only
17 05 04	soil and stones other than those mentioned in 17 05 03	



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<i>EWG Code</i>	<i>Types of waste</i>	<i>Limitation</i>
17 05 06	Dredging spoil other than that mentioned in 17 05 05  <i>Wastes from aerobic treatment of solid wastes (19 05)</i>	
19 05 03	Off-specification compost  <i>Wastes from waste water treatment plants not otherwise specified (19 08)</i>	biodegradable waste only
19 08 05	sludges from treatment of urban waste water  <i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>	
19 09 02	sludges from water clarification  <i>Wastes from soil and groundwater remediation (19 13)</i>	
19 13 04	Sludges from soil remediation other than those mentioned in 19 13 03	

12. Carrying on at any place, in respect of a kind of waste listed in Table 5, any of the activities specified in that Table in relation to that kind of waste where –

- the activity is carried on with a view to the recovery or reuse of the waste (whether or not by the person carrying on the activity listed in that Table); and
- the total quantity of any particular kind of waste dealt with at that place does not in any period of seven days exceed the limit specified in relation to that kind of waste in that Table.

**Table 5**

<i>Kind of waste</i>	<i>Activities</i>	<i>Limit (tonnes per week)</i>
Waste paper or cardboard	Baling, sorting or shredding	3,000
Waste textiles	Baling, sorting or shredding	100
Waste plastic	Baling, sorting, shredding, densifying or washing	100
Waste glass	Sorting, crushing or washing	1,000
Waste steel cans, aluminium cans or aluminium foil	Sorting, crushing, pulverising, shredding, compacting or baling	100

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<i>Kind of waste</i>	<i>Activities</i>	<i>Limit (tonnes per week)</i>
Waste food or drink cartons	Sorting, crushing, pulverising, shredding, compacting or baling	100

13.—(1) Subject to the following provisions of this paragraph and any limitation set down in Column 3 of Table 6 –

- (a) the composting of biodegradable waste identified by EWC Code in Column 1 of Table 6 and referred to in Column 2 of that Table;
- (b) the chipping, shredding, cutting or pulverising such waste for the purpose of composting at the place where the composting activity is or is to be carried out;
- (c) screening waste which has been composted; and
- (d) the secure storage of compost and biodegradable waste referred to in sub-paragraph (1)(a) at the place where the composting activity is or is to be carried out.

(2) The total quantity of waste treated or stored under sub-paragraph (1) at any one time shall not exceed 200 tonnes.

(3) The secure storage of biodegradable waste which is to be composted in reliance upon sub-paragraph (1) at a place other than the place where such composting is or is to be carried on where –

- (a) the waste is stored for a period not exceeding 48 hours and is to be taken directly from the storage site to that place;
- (b) such storage is part of a scheme for the collection of waste from groups of premises; and
- (c) the total quantity of waste so stored does not exceed 10 tonnes.

(4) For the purposes of this paragraph, “composting” means the autothermic and thermophilic biological decomposition and stabilisation of biodegradable waste under controlled conditions that are aerobic or anaerobic and results in a stable sanitised material that can be applied to land for the benefit of agriculture or ecological improvement.

**Table 6**

<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
	<i>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>	
02 01 03	Plant-tissue waste	
02 01 06	Animal faeces, urine and manure (including spoiled straw), effluent, collected separately and treated off-site	
02 01 07	Waste from forestry	
02 01 99	Waste not otherwise specified	Animal faeces, urine spoiled straw or manure not referred to in 02 01 06
02 01 99	Waste not otherwise specified	Sludge from washing buildings or yards used for keeping livestock

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<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
02 01 99	Waste not otherwise specified	Straw, wood or paper-based bedding waste
02 01 99	Waste not otherwise specified	slurry or dirty water from stables or livestock markets
	<i>Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation (02 03)</i>	
02 03 01	Sludges from washing, cleaning, peeling, centrifuging and separation	
02 03 05	Sludges from on-site effluent treatment	
	<i>Wastes from wood processing and the production of panels and furniture (03 01)</i>	
03 01 01	Waste bark and cork	
03 01 05	Shaving, cuttings, spoiled timber, particle board and veneer other than those mentioned in 03 01 04	
	<i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 01	Waste bark and wood	
	<i>Wastes from the textile industry (04 02)</i>	
04 02 10	Organic matter from natural products (for example grease, wax)	
	<i>Packaging (including separately collected municipal packaging waste) (15 01)</i>	
15 01 01	Paper and cardboard packaging	
15 01 03	Wooden packaging	
15 01 09	Textile packaging	
	<i>Wood, glass and plastic (17 02)</i>	
17 02 01	Wood	

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<i>EWG Code</i>	<i>Types of waste</i>	<i>Limitation</i>
	<i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 04	Soil and stones other than those mentioned in 17 05 03	
17 05 06	Dredging spoil other than that mentioned in 17 05 05	
	<i>Wastes from aerobic treatment of solid wastes (19 05)</i>	
19 05 03	Off-specification compost	To consist only of biodegradable waste
	<i>Wastes from waste water treatment plants not otherwise specified (19 08)</i>	
19 08 12	Sludges from biological treatment of industrial waste water other than those mentioned in 19 08 11	
19 08 05	Sludges from other treatment of urban waste water	
19 08 14	Sludges from other treatment of industrial waste water other than those mentioned in 19 08 13	
	<i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>	
19 09 01	Solid waste from primary filtration and screenings	
19 09 02	Sludges from water clarification	
	<i>Wastes from the mechanical treatment of waste (e.g. sorting, crushing, compacting, palletising) not otherwise specified (19 12)</i>	
19 12 01	Paper and cardboard <i>separately collected fractions of municipal waste( except 15 01 – packaging including separately collected municipal packaging waste) (20 01)</i>	

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<i>EWG Code</i>	<i>Types of waste</i>	<i>Limitation</i>
20 01 01	Paper and cardboard	
20 01 08	Biodegradable kitchen and canteen waste	
20 01 10	Clothes	Biodegradable materials only
20 01 11	Textiles	Biodegradable materials only
20 01 38	Wood other than that mentioned in 20 01 37 <i>Garden and park wastes (including cemetery waste) (20 02)</i>	
20 02 01	Biodegradable waste <i>other municipal wastes (20 03)</i>	
20 03 02	Waste from markets	
20 03 03	Street-cleaning residues	
20 03 99	Municipal wastes not otherwise specified	slurry or dirty water from stables, zoos or animal parks

- 14.—(1) The manufacture from –
- (a) waste which arises from demolition or construction work or tunnelling or other excavations; or
  - (b) waste which consists of ash, slag, clinker, rock, wood, bark, paper, straw, gypsum, of timber products, straw board, plasterboard, bricks, blocks, roadstone or aggregate.
- (2) The manufacture of soil or soil substitutes from any of the wastes listed in sub-paragraph (1) if –
- (a) the manufacture is carried out at the place where either the waste is produced or the manufactured product is to be applied to land; and
  - (b) the total amount manufactured at that place on any day does not exceed 500 tonnes.
- (3) The treatment of waste soil or rock which, when treated, is to be spread on land under paragraph 9 or 11, if –
- (a) it is carried out at the place where the waste is produced or the treated product is to be spread; and
  - (b) the total amount treated at that place in any day does not exceed 100 tonnes.
- (4) The storage of waste which is to be submitted to any of the activities mentioned in sub-paragraphs (1) to (3) if –
- (a) the waste is stored at the place where the activity is to be carried on; and
  - (b) the total quantity of waste stored at that place does not exceed 20,000 tonnes.

15.—(1) The manufacture of finished goods from any of the following kinds of waste, namely, waste metal, plastic, glass, ceramics, rubber, textiles, wood, paper or cardboard.

(2) The storage of any such waste intended to be used in reliance upon the exemption conferred by sub-paragraph (1) if

- (a) the waste is stored at the place of manufacture; and

- (b) the total amount of any particular kind of waste stored at that place at any time does not exceed 15,000 tonnes.

16.—(1) The beneficial use of waste if –

- (a) it is put to that use without further treatment; and
- (b) that use of the waste does not involve its disposal.

(2) The storage of waste intended to be used in reliance upon the exemption conferred by subparagraph (1) at the site where the waste is to be used insofar as that storage does not amount to disposal of the waste.

(3) This paragraph does not apply to the use or storage of waste if that activity is covered by an exemption conferred by paragraph 9, 10, 11, 19 or 25, or would be so covered but for any condition or limitation to which that exemption is subject by virtue of any provision contained in the paragraph by which that exemption is conferred.

17.—(1) The storage in a secure place on any premises of waste of a kind described in Table 7 if –

- (a) the total quantity of that kind of waste stored on those premises at any time does not exceed the quantity specified in that Table;
- (b) the waste is to be reused, or used for the purposes of –
  - (i) an activity described in paragraph 12; or
  - (ii) any other recovery operation;
- (c) each kind of waste listed in the Table stored on the premises is kept separately; and
- (d) no waste is stored on the premises for longer than twelve months.

**Table 7**

<i>Kind of waste</i>	<i>Maximum total quantity</i>
Waste paper or cardboard	15,000 tonnes
Waste textiles	1,000 tonnes
Waste plastics	500 tonnes
Waste glass	5,000 tonnes
Waste steel cans, aluminium cans or aluminium foil	500 tonnes
Waste food or drink cartons	500 tonnes
Waste articles which are to be used for construction work which are capable of being so used in their existing state	100 tonnes
Solvents	5 cubic metres
Refrigerants and halons	18 tonnes
Tyres	250 tyres
Waste mammalian protein	100 tonnes
Waste mammalian tallow	100 tonnes

(2) In this paragraph, “refrigerants” means dichlorodifluoromethane, chlorotrifluoromethane, dichlorotetrafluoroethane, chloropentafluoroethane, bromotrifluoromethane,

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chlorodifluoromethane, chlorotetrafluoroethane, trifluoromethane, difluoromethane, pentafluoroethane, tetrafluoroethane, chlorodifluoroethane, difluoroethane, trichlorofluoromethane, trichlorotrifluoroethane, dichlorotrifluoroethane, dichlorofluoroethane and mixtures containing any of those substances.

(3) In this paragraph “mammalian protein” means proteinaceous material and “mammalian tallow” means fat, which in each case is derived from the whole or part of any dead mammal by a process of crushing, cooking or grinding.

18.—(1) The storage on any premises in a secure container or containers of waste of a kind described in sub-paragraph (2) if –

- (a) the storage capacity of the container or containers does not exceed 400 cubic metres in total;
  - (b) in the case of waste oil, the storage capacity of any container or containers used for its storage does not exceed 3 cubic metres in total, and provision is made to prevent oil escaping into the ground or a drain;
  - (c) there are no more than 20 containers on those premises;
  - (d) the waste will be reused, or used for the purposes of –
    - (i) any activity described in paragraph 12 carried on at those premises; or
    - (ii) any other recovery activity;
  - (e) each kind of waste described in sub-paragraph (2) stored on the premises is kept separately;
  - (f) no waste is stored on the premises for longer than twelve months; and
  - (g) the person storing the waste is the owner of the container or has the consent of the owner.
- (2) Sub-paragraph (1) applies to the following kinds of waste –
- (a) any waste described in paragraph 17 other than waste solvents, refrigerants or halons; and
  - (b) waste oil.

19.—(1) Subject to the following provisions of this paragraph and any limitations set down in Table 8, the use of any of the wastes identified by EWC Code in Column 1 of Table 8 and referred to in Column 2 of that Table for the purposes of relevant work if –

- (a) the waste is suitable for use for those purposes;
- (b) the waste is so used in accordance with any planning permission where such a permission is required; and
- (c) the waste used does not exceed the dimensions of the final cross sections shown on any plan required to be submitted under regulation 19.

(2) Subject to the following provisions of this paragraph and any limitations set down in Table 8, the storage on a site where relevant work is taking place or is to take place, of any of the wastes listed in Table 8, if –

- (a) the waste in question is identified by EWC Code in Column 1 of Table 8 and referred to in Column 2 of that Table and is suitable for use for the purposes of relevant work which will be carried on at the site; and
- (b) in the case of waste which is not produced on the site, it is not stored there for longer than three months.

(3) The storage of waste consisting of road planings and roadbase which are to be used for the purposes of relevant work carried on elsewhere if –

- (a) no more than 20,000 tonnes of such waste are stored at the site; and

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(b) the waste is stored there for no longer than 3 months.

(4) In this paragraph, “relevant work” means work for the purposes of the construction, maintenance or improvement of –

- (a) a building, road, railway, airport, dock or other transport facility;
- (b) recreational facilities;
- (c) drainage; or
- (d) a waterway;

but does not include any work involving land reclamation.

**Table 8**

<i>EWG Code</i>	<i>Types of waste</i>	<i>Limitation</i>
	<i>Wastes from physical and chemical processing of non-metalliferous minerals (01 04)</i>	
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07	
01 04 09	waste sand and clays	
	<i>wastes from sugar processing (02 04)</i>	
02 04 01	soil from cleaning and washing beet	
	<i>wastes from power stations and other combustion plants (except wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use) (10 01)</i>	
10 01 01	bottom ash, slag and boiler dust (excluding boiler dust mentioned in 10 01 04)	Not oil fly ash
	<i>wastes from the iron and steel industry (10 02)</i>	
10 02 02	unprocessed slag	
	<i>wastes from casting of ferrous pieces (10 09)</i>	
10 09 03	furnace slag	
	<i>wastes from casting of non-ferrous pieces (10 10)</i>	
10 10 03	furnace slag	



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<i>EWG Code</i>	<i>Types of waste</i>	<i>Limitation</i>
	<i>Wastes from manufacture of ceramic goods, bricks, tiles and construction products (10 12)</i>	
10 12 08	Waste ceramics, bricks, tiles and construction products (after thermal processing)	
	<i>Wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>	
10 13 14	waste concrete and concrete sludge	
	<i>Construction and demolition wastes (including excavated soil from contaminated sites) comprising concrete, bricks, tiles and ceramics (17 01)</i>	
17 01 01	Concrete	
17 01 02	Bricks	
17 01 03	tiles and ceramics	
17 01 07	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06	
	<i>Bituminous mixtures, coal tar and tarred products (17 03)</i>	
17 03 02	Bituminous mixtures other than those mentioned in 17 03 01	Road base and road planings only
	<i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 04	soil and stones	
17 05 08	Track ballast other than that mentioned in 17 05 07	
	<i>wastes from incineration or pyrolysis of waste (19 01)</i>	
19 01 12	bottom ash and slag other than those mentioned in 19 01 11	
	<i>Wastes from the mechanical treatment of waste (e.g. sorting, crushing, compacting,</i>	

<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
	<i>palletising) not otherwise specified (19 12)</i>	
19 12 09	Minerals (for example sand, stones)	
	<i>Waste from soil and groundwater remediation (19 13)</i>	
19 13 02	solid wastes from soil remediation other than those mentioned in 19 13 01	
	<i>garden and park wastes (including cemetery waste) (20 02)</i>	
20 02 02	soil and stones	

20.—(1) Laundering or otherwise cleaning waste textiles with a view to their recovery or reuse.  
 (2) The storage of waste textiles at the place where they are to be so laundered or cleaned.

21.—(1) Chipping, shredding, cutting or pulverising waste plant matter (including wood or bark), or sorting and baling sawdust or wood shavings, on any premises if –  
 (a) those activities are carried on for the purposes of recovery or reuse; and  
 (b) no more than 1,000 tonnes of such waste are dealt with on those premises in any period of seven days.  
 (2) The storage of waste in connection with any activity mentioned in sub-paragraph (1) at the premises where it is carried on if the total amount of waste stored at those premises does not at any time exceed 1,000 tonnes.

22.—(1) The recovery, at any premises, of silver from waste produced in connection with printing or photographic processing if no more than 50,000 litres of such waste are dealt with on those premises in any day.  
 (2) The storage, at those premises, of waste which is to be submitted to such a recovery operation as is mentioned in sub-paragraph (1).

23.—(1) Subject to sub-paragraph (2), the keeping or treatment of animal by-products in accordance with the Community Regulation.  
 (2) Sub-paragraph (1) shall not apply to the keeping or treatment of animal by-products –  
 (a) for the purposes of their deposit in or on land by spreading;  
 (b) for the purposes of incineration or co-incineration;  
 (c) which are dead domestic pets;  
 (d) which comprise or contain either catering waste or waste which is former foodstuffs unless such waste is to be fed to animals in accordance with Article 23(2) of the Community Regulation; or  
 (e) which are composed of waste mammalian protein or waste mammalian tallow.

(3) For the purposes of this paragraph, the reference to feeding waste to animals shall be taken to include a reference to feeding such waste to maggots; “catering waste”, “incineration” and “co-

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incineration” shall have the meaning set down in Annex I to the Community Regulation; “former foodstuffs” are those animal by-products referred to in Article 6(1)(f) of the Community Regulation and “mammalian protein” and “mammalian tallow” have the same meaning as in paragraph 17(3).

24.—(1) Crushing, grinding or other size reduction of waste bricks, tiles or concrete, under an authorisation granted under the Industrial Pollution Control Order, to the extent that it is or forms part of a process within paragraph (b) of Part C of section 3.4 (other mineral processes) of Schedule 1 to the 1998 Regulations or under a permit under the 2003 Regulations, to the extent that it is or forms part of an activity within paragraph (a) of Part B of section 3.5 (other mineral activities) of Part I of Schedule 1 to the 2003 Regulations.

(2) Where any such crushing, grinding or other size reduction is carried on otherwise than at the place where the waste is produced, the exemption conferred by sub-paragraph (1) only applies if those activities are carried on with a view to recovery or reuse of the waste.

(3) The storage, at the place where the process is carried on, of any such waste which is intended to be so crushed, ground or otherwise reduced in size, if the total quantity of such waste so stored at that place at any one time does not exceed 20,000 tonnes.

25.—(1) Subject to sub-paragraphs (2) to (4), the deposit of waste arising from dredging inland waters, or from clearing plant matter from inland waters, if either –

- (a) the waste is deposited along the bank or towpath of the waters where the dredging or clearing takes place; or
- (b) the waste is deposited along the bank or towpath of any inland waters so as to result in benefit to agriculture or ecological improvement.

(2) The total amount of waste deposited along the bank or towpath under sub-paragraph (1) on any day must not exceed 50 tonnes for each metre of the bank or towpath along which it is deposited.

(3) Sub-paragraph (1) does not apply to waste deposited in a container or lagoon.

(4) Sub-paragraph (1)(a) only applies to an establishment or undertaking where the waste deposited is the establishment or undertaking’s own waste.

(5) The treatment by screening or dewatering of such waste as is mentioned in sub-paragraph (1) –

- (a) on the bank or towpath of the waters where either the dredging or clearing takes place or the waste is to be deposited, prior to its being deposited in reliance upon the exemption conferred by the foregoing provisions of this paragraph;
- (b) on the bank or towpath of the waters where the dredging or clearing takes place, or at a place where the waste is to be spread, prior to its being spread in reliance upon the exemption conferred by paragraph 9(1) or (2); or
- (c) in the case of waste from dredging, on the bank or towpath of the waters where the dredging takes place, or at a place where the waste is to be spread, prior to its being spread in reliance upon the exemption conferred by paragraph 11(1).

26.—(1) The recovery or disposal of waste, at the place where it is produced, as an integral part of the process that produces it.

(2) The storage, at the place where it is produced, of waste which is intended to be so recovered or disposed of.

(3) Sub-paragraph (1) does not apply to the final disposal of waste by deposit in or on land.

27.—(1) Baling, compacting, crushing, shredding or pulverising waste at the place where it is produced.

(2) The temporary storage, at the place where it is produced, of waste which is to be submitted to any of those operations.

28. The storage of returned goods that are waste, pending recovery or disposal, for a period not exceeding one month, by their manufacturer, distributor or retailer.

29.—(1) The disposal of waste at the place where it is produced, by the person producing it, by burning it in an incinerator which is an exempt incinerator for the purposes of section 5.1 (incineration) of Schedule 1 to the 1998 Regulations or an exempt incineration plant for the purposes of section 5.1 of Part I of Schedule 1 to the 2003 Regulations.

(2) The secure storage at that place of any such waste intended to be submitted to such burning.

30.—(1) Subject to sub-paragraph (2), burning waste on land in the open if –

- (a) the waste consists of wood, bark or other plant matter not being waste falling within paragraph 46;
- (b) it is produced on land which is operational land of a railway, light railway, tramway, or any Government Department, or which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, bank of inland waterway, churchyard or cemetery, or it is produced on other land as a result of demolition work;
- (c) it is burned on the land where it is produced; and
- (d) the total quantity burned in any period of 24 hours does not exceed 10 tonnes.

(2) Sub-paragraph (1) only applies to the burning of waste by an establishment or undertaking where the waste burned is the establishment or undertaking's own waste.

(3) The storage pending its burning, on the land where it is to be burned, of waste which is to be burned in reliance upon the exemption conferred by sub-paragraph (1).

31. The discharge of waste onto the track of a railway from a sanitary convenience or sink forming part of a vehicle used for the carriage of passengers on the railway if the discharge in question does not exceed 25 litres.

32. The burial on premises of waste arising from the use on those premises of a sanitary convenience which is equipped with a removable receptacle if the total amount buried in any period of twelve months does not exceed 5 cubic metres.

33.—(1) The keeping or deposit of waste consisting of excavated materials arising from peatworking at the place where that activity takes place.

(2) Sub-paragraph (1) only applies to the keeping or deposit of waste by an establishment or undertaking where the waste kept or deposited is the establishment or undertaking's own waste.

34.—(1) The keeping or deposit on land at the place where it is produced of spent ballast if the land is operational land of a railway, light railway or tramway and the total amount kept or deposited at that place does not exceed 10 tonnes for each metre of track from which the ballast derives.

(2) Sub-paragraph (1) only applies to the keeping or deposit of waste by an establishment or undertaking where the waste kept or deposited is the establishment or undertaking's own waste.

35.—(1) The deposit of waste consisting of excavated material from a borehole or other excavation made for the purpose of mineral exploration if –

- (a) it is deposited in or on land at the place where it is excavated; and
- (b) the total quantity of waste so deposited over any period of 24 months does not exceed 45,000 cubic metres per hectare.

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(2) Sub-paragraph (1) only applies if –

- (a) the drilling of the borehole or the making of any other excavation is development for which planning permission is granted by Article 3 of, and Schedule 1 Part 16 to, the Planning (General Development) Order (Northern Ireland) 1993(71); and
- (b) the conditions subject to which the development is permitted are observed.

(3) Expressions used in this paragraph which are also used in the Planning (General Development) Order (Northern Ireland) 1993 shall have the same meaning as in that Order.

36.—(1) The temporary storage of waste consisting of garbage, at waste reception facilities subject to and in accordance with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003(72), where such storage is incidental to the collection or transport of the waste and so long as –

- (a) the amount of garbage so stored at such waste reception facilities at any time does not exceed 20 cubic metres for each ship from which garbage has been landed; and
- (b) no garbage is so stored for more than seven days.

(2) The temporary storage of waste consisting of tank washings, at waste reception facilities subject to and in accordance with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003, where such storage is incidental to the collection or transport of the waste and so long as –

- (a) the amount of tank washings consisting of dirty ballast so stored at such waste reception facilities at any time does not exceed 30% of the total deadweight of the ships from which such washings have been landed;
- (b) the amount of tank washings consisting of waste mixtures containing oil so stored at such waste reception facilities at any time does not exceed 1% of the total deadweight of the ships from which such washings have been landed.

(3) In this paragraph –

“garbage” and “tank washings” have the same meaning as in paragraph 20(2) of Schedule 3 to the Controlled Waste Regulations (Northern Ireland) 2002(73);

“ship” means a vessel of any type whatsoever operating in the marine environment including submersible craft, floating craft and any structure which is a fixed or floating platform.

37.—(1) Subject to sub-paragraph (2), the burial of a dead domestic pet in the garden of domestic property where the pet lived.

(2) Sub-paragraph (1) does not apply if –

- (a) the dead domestic pet may prove hazardous to anyone who may come into contact with it; or
- (b) the burial is carried out by an establishment or undertaking.

38. The deposit or storage of samples of waste which are being or are to be subjected to testing and analysis if the samples are taken –

- (a) in the exercise of any power under the Radioactive Substances Act 1993(74), the 1978 Order, the 1997 Order, the Water Order, the Industrial Pollution Control Order or the Environment (Northern Ireland) Order 2002(75);

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(71) [S.R. 1993 No. 278](#)

(72) [S.I. 2003/1809](#)

(73) [S.R. 2002 No. 248](#); to which there is an amendment not relevant to these Regulations

(74) [1993 c. 12](#)

(75) [S.I. 2002/3153 \(N.I. 7\)](#)

- (b) by or on behalf of the holder of a waste management licence, a disposal licence or a resolution in pursuance of the conditions of that licence or resolution;
- (c) by or on behalf of a person carrying on in relation to the waste, an activity described in Part I of this Schedule or in regulation 16(1);
- (d) by or on behalf of the owner or occupier of the land from which the samples are taken;
- (e) by or on behalf of any person to whom –
  - (i) Article 5 of the 1997 Order applies in connection with his duties under that Article; or
  - (ii) the Special Waste Regulations (Northern Ireland) 1998(76) applies; or
- (f) for the purposes of research.

39.—(1) The secure storage at a pharmacy, pending their disposal there or elsewhere, of waste medicines which have been returned to the pharmacy from households or by individuals if –

- (a) the total quantity of such returned waste medicines at the pharmacy does not exceed 5 cubic metres at any time; and
- (b) any waste medicine so returned to the pharmacy is not stored there for longer than six months.

(2) The secure storage at the premises of a medical, nursing or veterinary practice of waste produced in carrying on that practice if –

- (a) the total quantity of that waste at the premises does not at any time exceed 5 cubic metres; and
- (b) no such waste is stored at those premises for longer than three months.

40.—(1) The storage, pending its collection or transport, of non-liquid waste at any site other than the premises where it is produced if –

- (a) it is stored in a secure container or containers, does not at any time exceed 50 cubic metres in total and is not kept for a period longer than 3 months;
- (b) the person storing the waste is the owner of the container or has the consent of the owner; and
- (c) the container in which it is stored is not on a site which is otherwise being used for the reception of waste with a view to its being disposed of or recovered elsewhere.

(2) Sub-paragraph (1) does not apply to the storage of waste at a place used for the recovery of scrap metal or the dismantling of waste motor vehicles.

(3) The temporary storage, pending their collection or transport, of scrap rails on operational land of a railway, light railway or tramway if the total quantity of that waste in any one place does not at any time exceed 10 tonnes.

41.—(1) The temporary storage, pending its collection, of waste on the site where it is produced.

(2) Sub-paragraph (1) does not apply to the storage of waste at a place used for the recovery of scrap metal or the dismantling of waste motor vehicles.

(3) Sub-paragraph (1) shall apply to special waste if –

- (a) it is stored on the site for no more than twelve months;
- (b) in the case of liquid waste, it is stored in a secure container and the total volume of that waste does not at any time exceed 23,000 litres; and
- (c) in any other case –

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- (i) it is stored in a secure container and the total volume of that waste does not at any time exceed 80 cubic metres; or
- (ii) it is stored in a secure place and the total volume of that waste does not at any time exceed 50 cubic metres.

42.—(1) The treatment, keeping or disposal by any person at any premises of waste consisting of scrap metal or waste motor vehicles which are to be dismantled if –

- (a) he was carrying on the activity in question at those premises before 19th December 2003; and
- (b) he has applied, before that date, for a disposal licence under Part II of the 1978 Order authorising that activity and that application is pending on that date.

(2) The exemption conferred by sub-paragraph (1), in relation to the carrying on of an activity at any premises, shall cease to have effect in relation to the carrying on of that activity at those premises on the date on which the licence applied for is granted or, if the application is (or is deemed to be) rejected, on the date on which –

- (a) the period for appealing expires without an appeal being made; or
- (b) any appeal is withdrawn or finally determined.

43.—(1) The treatment, keeping or disposal by any person at any premises of waste if –

- (a) he was carrying on the activity in question at those premises before 19th December 2003; and
- (b) before that date no disposal licence was required under Part II of the 1978 Order for that activity.

(2) Subject to sub-paragraph (3), the exemption conferred by sub-paragraph (1), in relation to an activity carried on by a person at any premises, shall after 19th December 2004 cease to have effect in relation to the carrying on of that activity at those premises unless on or before that date he applies for a waste management licence in relation to the activity in question.

(3) Where a person makes such an application as is mentioned in sub-paragraph (2), the exemption conferred by sub-paragraph (1) shall continue to have effect in relation to the activity in question until the date on which the licence applied for is granted or, if the application is (or is deemed to be) rejected, until the date on which –

- (a) the period for appealing expires without an appeal being made; or
- (b) any appeal is withdrawn or finally determined.

44.—(1) Heating iron, steel or any ferrous-alloy, non-ferrous metal or non-ferrous metal alloy, in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts, for the purpose of removing grease, oil or any other non-metallic contaminant.

(2) Sub-paragraph (1) does not apply to the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant.

(3) In the case of a process involving the heating of iron, steel or any ferrous-alloy, sub-paragraph (1) does not apply if that process is related to a process described in any of paragraphs (a) to (h), or (j) to (l), of Part A or paragraphs (a), (b), (e) or (f) of Part B or paragraphs (a), (b) or (c) of Part C of section 2.1 of Schedule 1 to the 1998 Regulations or an activity described in section 2.1 (other than in paragraph (d) of Part C) of Part I of Schedule 1 to the 2003 Regulations.

(4) In the case of a process involving the heating of any non-ferrous metal or non-ferrous metal alloy, sub-paragraph (1) does not apply if that process is related to a process described in any of

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paragraphs (a) to (g), or (j) or (k), of Part A of section 2.2 of Schedule 1 to the 1998 Regulations or an activity described in Part A of section 2.2 of Part I of Schedule 1 to the 2003 Regulations.

(5) The secure storage at the premises where the heating is to take place of waste intended to be submitted to heating to which sub-paragraph (1) applies if the waste or, as the case may be, any container in which the waste is stored, is stored on an impermeable pavement.

(6) In this paragraph, “net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

(7) In this paragraph, “ferrous alloy” means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a non-ferrous metal content greater than any percentage specified in section 2.2 of Schedule 1 to the 1998 Regulations, or as the case may be, section 2.2 of Schedule 1 to the 2003 Regulation and “non-ferrous metal alloy” shall be construed accordingly.

45.—(1) Subject to sub-paragraph (3), the carrying on, at any secure place used for the recovery of scrap metal or the dismantling of depolluted end of life vehicles, in respect of a kind of waste described in Table 9, of any of the activities specified in that Table in relation to that kind of waste if—

- (a) the activity does not include the storage or treatment of end of life vehicles prior to the depollution of such vehicles in accordance with the End of Life Vehicles Directive;
- (b) the total quantity of any particular kind of waste so dealt with at that place does not in any period of seven days exceed the limit specified in relation to that kind of waste in that Table;
- (c) the activity is carried on with a view to the recovery of the waste (whether or not by the person carrying on the activity listed in that Table);
- (d) every part of that place upon which the activity is carried out is surfaced with an impermeable pavement; and
- (e) the plant or equipment used in carrying on the activity is maintained in reasonable working order.

**Table 9**

<i>Kind of waste</i>	<i>Activities</i>	<i>7 day limit</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	8,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings,	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	400 tonnes



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<i>Kind of waste</i>	<i>Activities</i>	<i>7 day limit</i>
shavings or chippings of those metals or alloys)		
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	300 tonnes
Depolluted end of life vehicles and their components	Dismantling and selling depolluted components	7 day limit not applicable – see Table 10 for maximum storage value

(2) Subject to sub-paragraph (3), the storage, at any secure place used for the recovery of scrap metal or the dismantling of depolluted end of life vehicles, of waste of a kind listed in Table 10 if –

- (a) the activity does not include storage or treatment of end of life vehicles prior to the depollution of such vehicles in accordance with the End of Life Vehicles Directive;
- (b) the waste is to be submitted to any of the activities specified in Table 9 in relation to that kind of waste, or to a recycling or reclamation operation authorised by a waste management licence or an authorisation under the Industrial Pollution Control Order or a permit under the 2003 Regulations;
- (c) the total quantity of waste of that kind stored at that place does not exceed the maximum total quantity specified in Table 10 in relation to that kind of waste;
- (d) no waste is stored at that place for a period exceeding 12 months;
- (e) each kind of waste is either stored separately or is kept in separate containers, but in a case where a consignment consisting of more than one kind of waste is delivered to that place it may be stored unseparated at that place pending sorting for a period not exceeding 2 months;
- (f) in the case of waste which is liquid, it is stored in a secure container;
- (g) in the case of depolluted end of life vehicles, they are, unless stored on a hardstanding, stored on an impermeable pavement;
- (h) subject to paragraph (f), the waste or, as the case may be, any container in which it is stored, is stored on an impermeable pavement; and
- (i) the height of any pile or stack of waste does not exceed 5 metres.

**Table 10**

<i>Kind of waste</i>	<i>Maximum total quantity</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	50,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	1,500 tonnes

<i>Kind of waste</i>	<i>Maximum total quantity</i>
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	1,000 tonnes
Depolluted end of life vehicles	40 vehicles

(3) Sub-paragraph (1) or (2) only applies to the carrying on of an activity at a place if the person responsible for the management of that place –

- (a) has established administrative arrangements to ensure that –
  - (i) waste accepted at that place is of a kind listed in Table 9 or, as the case may be, Table 10; and
  - (ii) no waste is accepted at that place in such a quantity as would cause there to be a breach of any of the terms and conditions of the exemption; and
- (b) carries out a monthly audit to confirm compliance with the terms and conditions of the exemption;

(4) The temporary storage of waste (in this sub-paragraph referred to as “the non-scrap waste”), pending its collection, at a secure place used for the recovery of scrap metal or the dismantling of waste motor vehicles if –

- (a) the non-scrap waste is not of a kind described in Table 10;
- (b) the non-scrap waste was delivered to that place as part of a consignment of waste of which –
  - (i) at least 70 per cent by weight was waste consisting of waste motor vehicles; or
  - (ii) at least 95 per cent by weight was waste of any kind described in Table 10 other than waste motor vehicles, and is capable of being separated from that waste by sorting or hand dismantling;
- (c) the non-scrap waste is stored at that place for no more than 3 months;
- (d) in a case where the non-scrap waste is liquid, it is stored in a secure container; and
- (e) the non-scrap waste or, as the case may be, the container in which the non-scrap waste is stored, is stored on an impermeable pavement.

(5) In Table 9, “shearing” means the cold cutting of metal by purpose-made shears.

46.—(1) Subject to the following provisions of this paragraph and any limitation set down in Column 3 of Table 11 –

- (a) the recovery within the curtilage of a water treatment works of waste from water treatment if the total quantity of waste which is accepted in any period of twelve months does not exceed 10,000 cubic metres;
- (b) the secure storage within the curtilage of a water treatment works of waste intended to be submitted to the activities mentioned in sub-paragraph (a);
- (c) the recovery of waste within the curtilage of a sewage treatment works where the total quantity of waste accepted at a sewage treatment works in any period of 12 months does not exceed 100,000 cubic metres; and
- (d) the secure storage within the curtilage of a sewage treatment works of waste intended to be submitted to the activities mentioned in sub-paragraph (c).

(2) Sub-paragraphs (1)(a) and (b) apply to only those wastes identified by EWC Code in Column 1 of Part 1 of Table 11 and referred to in Column 2 of that Table and sub-paragraphs (1)(c) and

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(d) apply to any of those wastes listed by EWC Code in Column 1 of Table 11 and referred to in Column 2 of that Table.

(3) The recovery and storage operation takes place on an impermeable pavement.

**Table 11**

<i>EWC Code</i>	<i>Types of waste</i>	<i>Limitation</i>
PART I		
	<i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>	
19 09 01	solid waste from primary filtration and screenings	Screenings only
19 09 02	sludges from water clarification	
19 09 03	sludges from decarbonation	
19 09 06	solutions and sludges from regeneration of ion exchangers	
PART II		
	<i>Wastes from waste water treatment plants not otherwise specified (19 08)</i>	
19 08 05	sludges from treatment of urban waste water	
	<i>Other municipal wastes (20 03)</i>	
20 03 04	Septic tank sludge	
20 03 99	Municipal waste not otherwise specified	cesspool waste and other sewage sludge not described elsewhere in this table only.

47.—(1) Subject to sub-paragraphs (2) to (4), the burning at a dock of waste consisting of –

- (a) plant tissue waste, in pursuance of a notice given under Article 22 of the Plant Health Order (Northern Ireland) 1993(77);
- (b) wood of any kind used to wedge or support parts of cargo, including packing material, spacers and pallets, in pursuance of a notice given under Article 20 of the Plant Health (Wood and Bark) Order (Northern Ireland) 1993(78).

(2) The storage at the dock where it was unloaded of waste intended to be burned under sub-paragraph (1).

(3) The total quantity of waste stored, or burned in any period of 24 hours, shall not exceed 15 tonnes.

(77) S.R. 1993 No. 256

(78) S.R. 1993 No. 460

(4) The waste shall be burnt on a hardstanding within a secure location at the dock where it was unloaded.

48. For the purposes of this Schedule –

a container, lagoon or place is “secure” in relation to waste kept in it if all reasonable precautions are taken to ensure that the waste cannot escape from it and members of the public are unable to gain access to the waste, and any reference to secure storage means storage in a secure container, lagoon or place;

“inland waters” means the whole or any part of –

- (a) any river, stream or other watercourse (within the meaning of the Water Order), whether natural or artificial and whether tidal or not;
- (b) any lake or pond, whether natural or artificial, or any reservoir or dock, in so far as the lake, pond, reservoir or dock does not fall within paragraph (a) of this definition; and
- (c) so much of any channel, creek, bay, estuary or arm of the sea as does not fall within paragraph (a) or (b) of this definition.

## PART II

### INFORMATION REQUIRED FOR THE REGISTRATION OF AN EXEMPTION

<i>Paragraph number of exempt activity in Part I</i>	<i>Plans and documents required</i>
8	<p>In relation to the requirement of regulation 18 that the notification to the Department contains information on the place where the activity is carried on (including any requirement relating to the submission to the Department of a plan for such a place and a grid reference for that place), the following shall be submitted –</p> <ul style="list-style-type: none"><li>(a) the location, name and address and six figure Ordnance Survey Irish grid reference of the place where any waste is to be stored under paragraph 8(2) of Part I;</li><li>(b) the quantity of waste to be stored at any one time;</li><li>(c) the storage arrangements for the waste, including details of the construction and capacity of all tanks and their bunds; and information on the use to which the waste is to be put, including the type of vehicle, locomotive or vessel in which the engine referred to in paragraph 8(1) of Part I is located.</li></ul>
9	<p>(1) The notice shall include the following particulars –</p> <ul style="list-style-type: none"><li>(a) a description of the waste to be used, its physical form and the process from which it arose;</li><li>(b) a description of where and how the waste will be stored pending its use;</li></ul>

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*Paragraph number of exempt activity in Part I Plans and documents required*

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- (c) a description of the land which is to be treated with the waste, including the farm survey number, client reference number and field number (if there is one) and area, the area available for treatment, the soil, crops grown or to be grown in the soil and all wastes used to treat the land in the previous six months;
- (d) the method and intended date of treatment, the quantities of waste to be used and the rate of application;
- (e) details of the benefit to agriculture or ecological improvement to be expected from the treatment, including any analysis of the waste or the soil, and management plans;
- (f) the location of any waterway within 15 metres of the land on which the waste is to be spread.

(2) The notice shall be accompanied by the following documents –

- (a) an analysis of the wastes to be used and the soil which is to be treated with them;
- (b) an assessment of the risk of pollution caused by the use;
- (c) a certificate describing how the treatment will result in benefit to agriculture or ecological improvement,

which shall be prepared by or be based upon advice from a person with appropriate technical or professional expertise.

(3) Wastes shall be analysed in relation to the following parameters –

- (a) percentage dry solids content;
- (b) pH;
- (c) conductivity (mS);
- (d) total content of major nutrients and readily plant available ammonium-nitrogen with the results to be expressed on a fresh weight basis;
- (e) biochemical oxygen demand; and
- (f) in relation to the types of waste that are listed in the first column of Table 12 in Part III of this Schedule, the

<i>Paragraph number of exempt activity in Part I</i>		<i>Plans and documents required</i>
		parameters ticked in the remaining columns of the Table.
10		<p>The notice shall include the following particulars –</p> <ul style="list-style-type: none"><li>(a) the names, addresses and telephone numbers, and, if applicable, the fax numbers and e-mail addresses of the establishment or undertaking that is to store or spread the sludge and of the establishment or undertaking supplying the sludge;</li><li>(b) the quantity of sludge to be stored or spread and its origin;</li><li>(c) information on how the sludge has been treated and where it has been treated;</li><li>(d) the location in which the sludge is to be stored or spread, including a description of any container or lagoon to be used;</li><li>(e) the locations of any buildings, public rights of way, abstraction points or surface waters above Ordnance Datum which are situated within 400 metres of the boundaries of that place;</li><li>(f) where sludge is to be spread, the notice shall be accompanied by a certificate describing how the activity will result in benefit to agriculture or ecological improvement, which shall be prepared by or based on advice from a person with appropriate technical or professional expertise.</li></ul>
11		<p>(1) The notice shall include the following particulars –</p> <ul style="list-style-type: none"><li>(a) where less than 2,500 cubic metres of waste are to be spread in any one year, a description of the spreading, the type and quantity of waste to be spread and the location of the spreading;</li><li>(b) where 2,500 or more cubic metres of waste are to be spread –<ul style="list-style-type: none"><li>(i) the total quantity of waste to be spread;</li><li>(ii) the type of waste to be spread, identified by reference to the descriptions in the second column of Table 4;</li><li>(iii) the name, address and telephone number of all the</li></ul></li></ul>

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*Paragraph number of exempt activity in Part I    Plans and documents required*

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relevant landowners and the location of their land where the waste is to be spread or stored;

(iv) a plan of the spreading with cross-sections showing the proposed final levels of the land affected by the spreading;

(v) the intended start and completion date of the spreading and any related storage.

(2) Where any of the wastes listed in Part II of Table 4 is to be spread, the notice shall be accompanied by a certificate describing how the activity will result in benefit to agriculture or ecological improvement, which shall be prepared by or based on advice from a person with appropriate technical or professional expertise.

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Where the total amount of compost at the site exceeds or will exceed 10 tonnes at any one time, the plan accompanying the notice referred to in regulation 18 shall show –

- (a) the locations of any buildings, public rights of way, abstraction points or surface waters above Ordnance Datum which are situated within 250 metres of the boundaries of that place;
- (b) the quantities and types of waste to be composted, and the expected duration of the composting;
- (c) where containment is to be provided by composting in a vessel, in a sealed building or other similar arrangement to provide a contained and controlled composting environment, the method of containment.

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The notice shall include the following particulars –

- (a) where less than 2,500 cubic metres of waste are to be stored or used, a description of the use, the type and quantity of waste to be stored or used and the location of the spreading;
- (b) where 2,500 or more cubic metres of waste are to be stored or used –
  - (i) the total quantity of waste to be stored or used;

<i>Paragraph number of exempt activity in Part I</i>	<i>Plans and documents required</i>
45	<ul style="list-style-type: none"><li>(ii) the type of waste to be stored or used, identified by reference to the descriptions in Table 8;</li><li>(iii) the names, addresses, telephone numbers, and if applicable, the fax numbers and e-mail addresses of all owners of the land where the waste is to be stored or used;</li><li>(iv) a plan containing at least one cross-section showing the proposed final levels of the land affected by the use of the waste;</li><li>(v) the intended start and completion date of the storage or use.</li></ul> <ul style="list-style-type: none"><li>(a) (a) The notice shall include the location of any such secure containers as are mentioned in paragraph 45(2)(e) of Part I of Schedule 2</li><li>(b) The records required by regulation 19(3) and paragraph 14 of Part I of Schedule 3 shall be kept in such a form as to show, for each month, the total quantity of each kind of waste recovered during that month at that place, and details of the total quantity of each kind of waste recovered at that place during the preceding 12 months.</li><li>(c) These records shall be sent annually to the Department with the notification required by regulation 17 and the fee referred to in regulation 18.</li></ul>

### PART III

#### ASSESSMENT OF BENEFIT TO AGRICULTURE OR ECOLOGICAL IMPROVEMENT

1. In assessing benefit to agriculture or ecological improvement for the purposes of paragraphs 9, 10 and 11 of Part I of this Schedule, regard shall be had to the following paragraphs of this Part.

2. Benefit to agriculture shall be assessed by reference to whether the spreading will result in an improvement of the soil for the purpose of growing crops or grazing, and the following criteria shall apply for the purposes of such assessment –

- (a) the addition of nitrogen, phosphorous and other plant nutrients in the waste material should take account of the soil nutrient status and other sources of nutrient supply and be matched to the needs of the planned crop rotation;
- (b) the addition of total nitrogen attributable to the spreading in any 12 month period must not exceed 250 kg per hectare, except in the case of the following wastes –



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- (i) garden and park wastes (including cemetery wastes) consisting of soil and stones;
- (ii) soil (including excavated soil from contaminated sites), stones and dredging spoil, consisting of soil and stones;
- (iii) soil from cleaning and washing beet; and
- (iv) dredging spoil;
- (c) the addition of materials containing lime should take account of the neutralising value of the material, the pH of the soil and the target soil pH for the crop rotation;
- (d) the addition of organic matter which improves the capacity of the soil to hold water, or its porosity, stability, tilth and workability and is a benefit;
- (e) the spreading of watery wastes may be a benefit where the moisture of the soil is insufficient to support the growth of crops at the time of application, or where they contain nutrients which are applied at an appropriate rate;
- (f) the spreading of waste soil may be a benefit where it is done in order to level uneven land and thereby facilitate the use of the land for agriculture, but not where it is done solely in order to raise the level of the land.

3. Ecological improvement shall be assessed by reference to the extent to which wildlife habitats, which might otherwise deteriorate, are maintained or supported. The creation of a new habitat or the restoration of an old habitat shall be considered to be an improvement.

**Table 12**

(Part I, paragraph 9)

<i>Waste description and EWC Code (relating to Table 3)</i>	<i>Parameter</i>					
	<i>Neutralising value</i>	<i>Micro-biology</i>	<i>Oils and fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon/nitrogen ratio</i>
Plant tissue waste 02 01 03		#		#	#	#
Soil from cleaning and washing beet 02 04 01		#		#	#	#
Off specification compost consisting only of biodegradable waste 19 05 03		#		#	#	#

\* substances listed in Schedule 6 to the 1998 Regulations.

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<i>Waste description and EWC Code (relating to Table 3)</i>	<i>Parameter</i>					
	<i>Neutralising value</i>	<i>Micro-biology</i>	<i>Oils and fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon/nitrogen ratio</i>
Biodegradable waste 20 02 01		#		#	#	#
Straw, wood or paper-based bedding waste, slurry or dirty water from stables, zoos, animal parks or livestock markets 02 01 99		#		#	#	
Blood and gut contents from abattoirs or poultry preparation plants 02 02 03		#	#			
Waste bark and cork 03 01 01		#		#	#	
Sawdust shavings, cuttings, wood, particle board 03 01 05		#		#	#	
Waste bark and wood 03 03 01		#		#	#	
Soil and stones 17 05 04		#		#	#	

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<i>Waste description and EWC Code (relating to Table 3)</i>	<i>Parameter</i>					
	<i>Neutralising value</i>	<i>Micro-biology</i>	<i>Oils and fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon/nitrogen ratio</i>
Soil and stones (from gardens and parks including cemeteries) 20 02 02		#		#	#	
Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve productions; yeast and yeast extract productions; molasses preparation and fermentation 02 03 01 to 02 03 05	#		#			
Wastes from sugar processing 02 04 01 to 02 04 03	#		#			
Wastes from production of dairy products 05 01 to 05 02	#		#			
Wastes from the	#		#			

\* substances listed in Schedule 6 to the 1998 Regulations.

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<i>Waste description and EWC Code (relating to Table 3)</i>	<i>Parameter</i>					
	<i>Neutralising value</i>	<i>Micro-biology</i>	<i>Oils and fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon/nitrogen ratio</i>
baking and confectionery industry 02 06 01 to 02 06 03			#			
Wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa) 02 07 01 to 02 07 05	#					
De-inking sludges and de-inked paper pulp from paper recycling 03 03 05 and 03 03 99	#			#	#	#
Lime mud waste 03 03 09	#			#	#	
Wastes from calcination and hydration of lime 10 13 04	#			#	#	
Sludges, in particular from on-site effluent treatment free of chromium 04 01 07			#	#	#	

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<i>Waste description and EWC Code (relating to Table 3)</i>	<i>Parameter</i>		<i>Oils and fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon/nitrogen ratio</i>
	<i>Neutralising value</i>	<i>Micro-biology</i>				
Organic matter from natural products (e.g. grease, wax) 04 02 10						#
Wastes from finishing other than those containing organic solvents 04 02 15						#
Sludges from on-site effluent treatment 04 02 20						#
Wastes from unprocessed textile fibres 04 02 21						#
Wastes from processed textile fibres 04 02 22						#
Dredging spoil 17 05 06				#	#	
Liquor from anaerobic treatment of municipal waste 19 06 03				#	#	
Digestate from anaerobic treatment of				#	#	

\* substances listed in Schedule 6 to the 1998 Regulations.

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<i>Waste description and EWC Code (relating to Table 3)</i>	<i>Parameter</i>		<i>Oils and fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon/nitrogen ratio</i>
	<i>Neutralising value</i>	<i>Micro-biology</i>				
municipal waste 10 06 04						
Liquor from anaerobic treatment of animal and vegetable waste 19 06 05				#	#	
Digestate from anaerobic treatment of animal and vegetable waste 19 06 06				#	#	
Sludges from water clarification 19 09 02	#	#		#	#	

\* substances listed in Schedule 6 to the 1998 Regulations.

SCHEDULE 3

Regulations 1(3) and 21

WASTE FRAMEWORK DIRECTIVE etc.

PART I

GENERAL

**Interpretation of Schedule 3**

- In this Schedule, unless the context otherwise requires –
  - “competent authority” has the meaning given by paragraph 3;
  - “development plan” has the meaning given by the Planning (Development Plans) Regulations (Northern Ireland) 1991(79);

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“permit” means a waste management licence, a disposal licence, an authorisation under the Industrial Pollution Control Order, a permit under the 2003 Regulations, a resolution, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under the Water Order, (and, in relation to a permit, “grant” includes give, issue or pass);

“modify” includes vary, and cognate expressions shall be construed accordingly;

“plan-making provisions” means paragraph 5 below, Articles 19 and 23 of the 1997 Order and Parts II and III of the Planning (Northern Ireland) Order 1991<sup>(80)</sup>;

“planning permission” has the same meaning as in Part I of the Planning (Northern Ireland) Order 1991;

“regional development strategy” means the regional development strategy referred to in Article 3 of the Strategic Planning (Northern Ireland) Order 1999<sup>(81)</sup>;

“specified action” means any of the following –

- (a) determining –
  - (i) an application for planning permission; or
  - (ii) an appeal made under Article 32 of the Planning (Northern Ireland) Order 1991 in respect of such an application;
- (b) deciding whether to take any action under Article 71(1)(a) or (b) of the Planning (Northern Ireland) Order 1991;
- (c) deciding whether –
  - (i) in making or confirming a discontinuance order, to include in the order any grant of planning permission; or
  - (ii) to confirm (with or without modifications) a discontinuance order insofar as it grants planning permission,
 and, for the purposes of this sub-paragraph, “discontinuance order” means an order under Article 39 or 112 of the Planning (Northern Ireland) Order 1991;
- (d) discharging functions under Part III of the Planning (Northern Ireland) Order 1991.

### **Duties of competent authorities**

2.—(1) Subject to the following provisions of this paragraph, the competent authorities shall discharge their specified functions, in so far as they relate to the recovery or disposal of waste, with the relevant objectives.

(2) In a case where the recovery or disposal of waste is or forms part of a prescribed process designated for local control under the Industrial Pollution Control Order, and either requires a waste management licence or is covered by an exemption conferred by regulation 17(1) and Part I of Schedule 2, nothing in sub-paragraph (1) shall require a competent authority to discharge its functions under –

- (a) the Industrial Pollution Control Order in order to control pollution of the environment due to the release of substances into any environmental medium other than the air; or
- (b) Part II of the 1997 Order in order to control pollution of the environment due to the release of substances into the air resulting from the carrying on of the prescribed process.

(3) In sub-paragraph (2), “prescribed process”, “designated for local control”, “pollution of the environment due to the release of substances into the air” and “pollution of the environment due

<sup>(80)</sup> S.I. 1991/1220 (N.I. 11)

<sup>(81)</sup> S.I. 1999/660 (N.I. 4)

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to the release of substances into any environmental medium other than the air” have the meaning which they have in Article 2 of the Industrial Pollution Control Order.

(4) In a case where the recovery or disposal of waste is or forms part of an activity carried out at a Part B or a Part C installation and requires a waste management licence, nothing in sub-paragraph (1) shall require a competent authority to discharge its functions under –

- (a) the 2003 Regulations for any purpose other than preventing or, where that is not practicable, reducing emissions into the air;
- (b) Part II of the 1997 Order for the purpose of preventing or reducing emissions into the air.

(5) In sub-paragraph (4), “Part B installation” and “Part C installation” have the meaning given by regulation 2(1) of the 2003 Regulations.

**Meaning of “competent authority” etc.**

3.—(1) For the purposes of this Schedule, “competent authority” means any of the persons or bodies listed in column (1) of Table 13 and, subject to sub-paragraph (2), in relation to a competent authority “specified function” means any function of that authority listed in column (2) of that Table opposite the entry for that authority.

**Table 13**

Column (1) <i>Competent authorities</i>	Column (2) <i>Specified functions</i>
The Department	<p>The taking of any specified action.</p> <p>Its functions under Part II of the 1997 Order in relation to waste management licences, including preparing the strategy, or any modification of it, under Article 19 of that Order.</p> <p>Its functions under Part II of the Food and Environment Protection Act 1985, or under paragraph 5.</p> <p>Its function in relation to –</p> <ul style="list-style-type: none"> <li>(a) consents under the Water Order (offences in relation to pollution of water resources) for any discharge of waste in liquid form other than waste waters;</li> <li>(b) authorisations under regulation 17 of the Groundwater Regulations (Northern Ireland) 1998 (disposal or tipping of substances in list I or II); and</li> <li>(c) notices under regulation 18 of the Groundwater Regulations (Northern Ireland) 1998 (prohibition or authorisation of activities which may result in indirect discharges of substances in list I or II).</li> </ul> <p>Its functions in relation to appeals under the Industrial Pollution Control (Northern Ireland) Order</p>



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Column (1) <i>Competent authorities</i>	Column (2) <i>Specified functions</i>
A district council	1997, the 1978 Order and the Waste Collection and Disposal Regulations (Northern Ireland) 1992.  Its functions under Part II of the 1978 Order in relation to disposal licences.  The preparation of plans or modifications of them under Article 23 of the 1997 Order
An enforcing authority (within the meaning of Article 2(8) of the Industrial Pollution Control Order)	Its functions in relation to authorisations under the Industrial Pollution Control Order except in relation to the carrying out of an exempt activity under such authorisations.
An enforcing authority (within the meaning of regulation 2(2) of the 2003 Regulations)	Its functions in relation to permits under the 2003 Regulations except in relation to the carrying out of an exempt activity under such permits.
The Planning Appeals Commission	Its functions in relation to appeals under the 1997 Order and the 2003 Regulations.

(2) In Table 13, references to functions do not include functions of making, revoking, amending, revising or re-enacting orders, regulations or schemes where those functions are required to be discharged by regulations.

### Relevant objectives

4.—(1) For the purposes of this Schedule, the following objectives are relevant objectives in relation to the disposal or recovery of waste –

- (a) ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without –
  - (i) risk to water, air, soil, plants or animals; or
  - (ii) causing nuisance through noise or odours; or
  - (iii) adversely affecting the countryside or places of special interest;
- (b) implementing, so far as material, any plan made under the plan-making provisions.

(2) The following additional objectives are relevant objectives in relation to the disposal of waste –

- (a) establishing an integrated and adequate network of waste disposal installations, taking account of the best available technology not involving excessive costs; and
- (b) ensuring that the network referred to at sub-paragraph (a) enables –
  - (i) the European Community as a whole to become self-sufficient in waste disposal, and the Member States individually to move towards that aim, taking into account geographical circumstances or the need for specialised installations for certain types of waste; and
  - (ii) waste to be disposed of in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health.

(3) The following further objectives are relevant objectives in relation to functions under the plan-making provisions –

- (a) encouraging firstly the prevention or reduction of waste production and its harmfulness, in particular by –
  - (i) the development of clean technologies more sparing in their use of natural resources;
  - (ii) the technical development and marketing of products designed so as to make no contribution or to make the smallest possible contribution, by the nature of their manufacture, use or final disposal, to increasing the amount or harmfulness of waste and pollution hazards; and
  - (iii) the development of appropriate techniques for the final disposal of dangerous substances contained in waste destined for recovery; and
- (b) encouraging secondly –
  - (i) the recovery of waste by means of recycling, reuse or reclamation or any other process with a view to extracting secondary raw materials; and
  - (ii) the use of waste as a source of energy.

#### **Preparation of offshore waste management plan**

5.—(1) Subject to sub-paragraph (2), it shall be the duty of the Department to prepare a statement (“the plan”) containing its policies in relation to the recovery or disposal of waste for attaining the relevant objectives in those parts of United Kingdom waters and United Kingdom controlled waters for which the Department is the licensing authority.

(2) The plan shall relate in particular to –

- (a) the type, quantity and origin of waste to be recovered or disposed of;
- (b) general technical requirements;
- (c) any special arrangements for particular wastes; and
- (d) suitable disposal sites or installations.

(3) The Department shall make copies of the plan available to the public on payment of reasonable charges.

(4) In this paragraph, “United Kingdom waters” and “United Kingdom controlled waters” have the meaning given by section 24(1) of the Food and Environment Protection Act 1985(82).

#### **Matters to be covered by permits**

6. When the Department or a district council grants or modifies a permit, and the activities authorised by the permit include the disposal of waste, it shall ensure that the permit covers –

- (a) the types and quantities of waste;
- (b) the technical requirements;
- (c) the security precautions to be taken;
- (d) the disposal site; and
- (e) the treatment method.

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(82) 1985 c. 45; the definition of “United Kingdom controlled waters” is inserted by section 146(7) of the Environmental Protection Act 1990 c. 43

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### **Modifications of provisions relating to development plans and regional development strategy**

7. Article 4 of the Planning (Northern Ireland) Order 1991 shall have effect as if the proposals referred to in that Article for development plans also included proposals in respect of suitable waste disposal sites or installations and Article 3 of the Strategic Planning (Northern Ireland) Order 1999 shall have effect as if the regional development strategy for the long term development of Northern Ireland included proposals in respect of suitable waste disposal sites or installations.

### **Modifications of the Industrial Pollution Control (Northern Ireland) Order 1997**

8.—(1) Subject to Article 28(1) of the Industrial Pollution Control Order, that Order shall have effect in relation to prescribed processes involving the disposal or recovery of waste with such modifications as are needed to allow an enforcing authority to exercise its functions under that Order for the purpose of achieving the relevant objectives.

(2) Nothing in sub-paragraph (1) requires an enforcing authority in granting an authorisation in relation to such a process to take account of the relevant objectives insofar as they relate to the prevention of detriment to the amenities of the locality in which the process is (or is to be) carried on if planning permission, resulting from the taking of a specified action by an enforcing authority after 18th December 2003, is or, before the process is carried on, will be in force.

(3) For the purposes of this paragraph “enforcing authority” has the meaning given by Article 2(8) of the Industrial Pollution Control Order.

### **Modifications of Part II of the Waste and Contaminated Land (Northern Ireland) Order 1997**

9.—(1) Part II of the 1997 Order shall have effect subject to the following modifications.

(2) In Article 4(1) and 6 any reference to the deposit, treatment, keeping or disposal of controlled waste shall include a reference to any operation listed in Part II or III of this Schedule.

(3) Article 4(2) shall be amended as follows –

(a) for “Paragraph (1)” there shall be substituted “Paragraph (1)(a) or (b)”; and

(b) at the end there shall be inserted the words “except in the case of the treatment, keeping or disposal of household waste by an establishment or undertaking”.

(4) In Article 8(4), the reference to planning permission shall be taken to be a reference to planning permission resulting from the taking of a specified action by the Department after 18th December 2003.

(5) In Article 30(1), any reference to the treatment, keeping or disposal of such waste as is referred to in that paragraph shall include a reference to submitting such waste to any of the operations listed in Part II or III of this Schedule.

(6) In Article 30(2) any reference to the treatment, keeping or disposal of special waste shall include a reference to submitting special waste to any of the operations listed in Part II or III of this Schedule.

### **Modifications of Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978**

10. Part II of the 1978 Order shall have effect as if any reference in that Part to waste included a reference to waste as defined in the 1997 Order.

## **References to “waste” in planning and water legislation**

11. In the Planning (Northern Ireland) Order 1991 and the Water Order, any reference to “waste” shall include a reference to waste as defined in the 1997 Order.

## **Registration by professional collectors and transporters of waste, and by dealers and brokers**

12.—(1) Subject to sub-paragraph (3), it shall be an offence for an establishment or undertaking falling within sub-paragraph (a), (b), (d), (g) or (h) of regulation 2(1) of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999<sup>(83)</sup> after 19th August 2004 to collect or transport waste on a professional basis unless it is registered in accordance with the provisions of this paragraph.

(2) Subject to sub-paragraph (3), it shall be an offence for an establishment or undertaking falling within sub-paragraph (a), (b) or (c) of regulation 22(4) after 19th August 2004 to arrange for the recovery or disposal of waste on behalf of another person unless it is registered in accordance with the provisions of this paragraph.

(3) Sub-paragraphs (1) and (2) do not apply in cases where the establishment or undertaking is carrying on the activities therein mentioned pursuant to, and in accordance with the terms and conditions of, a permit.

(4) An establishment or undertaking that operates within Northern Ireland shall register with the Department whether or not it has its place of business in Northern Ireland.

(5) The Department shall establish and maintain a register of establishments and undertakings registering with it under the provisions of this paragraph.

(6) The register shall contain the following particulars in relation to each such establishment or undertaking –

- (a) the name of the establishment or undertaking;
- (b) the address of its principal place of business; and
- (c) the address of any place at or from which it carries on its business.

(7) The Department shall enter the relevant particulars in the register in relation to an establishment or undertaking if it receives notice of them in writing from that establishment or undertaking.

(8) A person guilty of an offence under sub-paragraph (1) or (2) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) The Department shall secure that any register maintained by it under this paragraph is open to inspection by members of the public free of charge at all reasonable hours and shall afford to members of the public reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in the register.

(10) Registers under this paragraph may be kept in any form.

(11) In this paragraph, “collect” and “transport” have the same meaning as they have in Article 12 of the Directive.

## **Duty to carry out appropriate periodic inspections**

13.—(1) Subject to sub-paragraphs (4) and (5), any establishment or undertaking which carries out the recovery or disposal of controlled waste, or which collects or transports controlled waste on a professional basis, or which arranges for the recovery or disposal of controlled waste on behalf of

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<sup>(83)</sup> S.R. 1999 No. 362; regulation 2(1)(d) is amended by regulation 25(3) of these Regulations

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others (dealers or brokers), and producers of special waste, shall be subject to appropriate periodic inspections by the competent authorities.

(2) In the case of establishments or undertakings handling end of life vehicles (whether or not such vehicles have been depolluted) periodic inspections in accordance with sub-paragraph (1) shall meet the requirements laid down in Article 6(2) of the End of Life Vehicles Directive.

(3) Article 44(1) and (2) of the 1997 Order (power to obtain information) shall have effect as if the provisions of this paragraph were provisions of Part II of that Order and as if, in those Articles, references to the Department or a district council were references to a competent authority.

(4) Subject to sub-paragraph (5), in the case of the exempt activities referred to in the first column of Table 14, the duty under sub-paragraph (1) shall be discharged by carrying out inspections set out in the second column of that table in respect of any place where the relevant exempted activity is carried on.

(5) Where the notice, plan and fee referred to in regulation 18(3) are received by the Department before 19th June 2004, in respect of exempt activities set out in paragraphs 11, 13, 19, 45 and 46 the Department shall carry out an initial inspection within 9 months of their receipt.

**Table 14**

<i>Relevant exempt activity*</i>	<i>Inspections required</i>
9, 10	An inspection shall be carried out at the time of treatment or, where that is not possible, not later than 4 weeks thereafter.
11, 13, 19, 45, 46	An initial inspection shall be carried out at the time when the exempt activity commences.  Thereafter, periodic inspections shall be carried out at intervals not exceeding 12 months.
47	An initial inspection shall be carried out within two months of the receipt by the Department of the notification under Regulation 18(7).  Thereafter, periodic inspections shall be carried out at intervals not exceeding 12 months.

\* numbered by reference to the corresponding paragraph of Part I of Schedule 2

### **Record keeping**

14.—(1) Subject to any requirements to keep records under regulation 19 and sub-paragraph (2), an establishment or undertaking which carries out the disposal or recovery of controlled waste shall –

- (a) keep a record of the quantity, nature, origin and, where relevant, the destination, frequency of collection, mode of transport and treatment method of any waste which is disposed of or recovered; and
- (b) make that information available, on request, to the competent authorities or, in the case of special waste, to a previous holder; and for this purpose “holder”, in respect of any such waste, means the producer or the person in possession of it.

(2) Where special waste is recovered or disposed of by an establishment or undertaking, it shall keep a record of the carrying out and supervision of the operation and, in the case of a disposal operation, of the after-care of the disposal site.

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply where the disposal or recovery of the waste is covered by an exemption, conferred by –

- (a) regulation 17(1) and Part I of Schedule 2; or
- (b) Article 3 of the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995<sup>(84)</sup>.

(4) Sub-paragraph (1) does apply to an activity subject to an exemption conferred by regulation 17(1) and paragraphs 9, 10, 11, 13, 19, 45 and 46 of Part I of Schedule 2.

(5) Subject to sub-paragraph (6), it shall be an offence for an establishment or undertaking to fail to comply with any of the foregoing provisions of this paragraph insofar as that provision imposes any requirement or obligation upon it.

(6) Paragraph (2) of regulation 17 of the Special Waste Regulations (Northern Ireland) 1998 (defence in cases of emergency, etc.) shall apply to a person charged with an offence under sub-paragraph (5) as it applies to a person charged with an offence under paragraph (1) of that regulation.

(7) A person who, in purported compliance with a requirement to furnish any information imposed by or under any of the provisions of this paragraph, makes a statement which he knows to be false or misleading in a material particular, or recklessly makes any statement which is false or misleading in a material particular, commits an offence.

(8) A person who intentionally makes a false entry in any record required to be kept by virtue of any of the provisions of this paragraph commits an offence.

(9) Paragraphs (5) and (6) of regulation 17 of the Special Waste Regulations (Northern Ireland) 1998 (offence where act or default causes offence by another and penalties) shall apply to an offence under this paragraph as they apply to an offence under that regulation.

## PART II

### WASTE DISPOSAL OPERATIONS

1. Deposit into or onto land (e.g. landfill, etc.) (D1).
2. Land treatment (e.g. biodegradation of liquid or sludge discards in soils, etc.) (D2).
3. Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.) (D3).
4. Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.) (D4).
5. Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.) (D5).
6. Release into a water body except seas/oceans (D6).
7. Release into seas/oceans including seabed insertion (D7).
8. Biological treatment not specified elsewhere in this Part of this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 (D8).
9. Physico-chemical treatment not specified elsewhere in this Part of this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 (e.g. evaporation, drying, calcination, etc.) (D9).
10. Incineration on land (D10).

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<sup>(84)</sup> S.R. 1995 No. 234

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11. Incineration at sea (D11).
12. Permanent storage (e.g. emplacement of containers in a mine, etc.) (D12).
13. Blending or mixture prior to submission to any of the operations numbered D1 to D12 (D13).
14. Repackaging prior to submission to any of the operations numbered D1 to D13 (D14).
15. Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where it is produced) (D15).

(Note: – the reference in brackets at the end of each paragraph of this Part of this Schedule is the number of the corresponding entry in Annex IIA to the Directive.)

## PART III

### WASTE RECOVERY OPERATIONS

1. Use principally as a fuel or other means to generate energy (R1).
2. Solvent reclamation/regeneration (R2).
3. Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) (R3).
4. Recycling/reclamation of metals and metal compounds (R4).
5. Recycling/reclamation of other inorganic materials (R5).
6. Regeneration of acids or bases (R6).
7. Recovery of components used for pollution abatement (R7).
8. Recovery of components from catalysts (R8).
9. Oil re-refining, or other reuses of oil (R9).
10. Land treatment resulting in benefit to agriculture or ecological improvement (R10).
11. Use of wastes obtained from any of the operations numbered R1 to R10 (R11).
12. Exchange of wastes for submission to any of the operations numbered R1 to R11 (R12).
13. Storage of wastes pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced) (R13).

(Note: – the reference in brackets at the end of each paragraph of this Part of this Schedule is the number of the corresponding entry in Annex IIB to the Directive.)

## SCHEDULE 4

Regulation 22(7)

### REGISTRATION OF BROKERS OF CONTROLLED WASTE

#### Interpretation of Schedule 4

1.—(1) In this Schedule –

“applicant” means a person who is applying for registration or for renewal of registration as a registered broker and “application” shall have like meaning;

“broker” means a person arranging (as dealer or broker) for the disposal or recovery of controlled waste on behalf of others;

“carrier” means a person registered as a carrier of controlled waste under the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999<sup>(85)</sup>;

“date of expiry”, in relation to a broker’s registration, in a case to which sub-paragraph (2) or (3) of paragraph 7 applies, has the meaning given by that sub-paragraph, and in any other case means the date on which the period of three years mentioned in paragraph 7(1) expires;

“registered broker” means a person registered as a broker under regulation 22 and this Schedule;

“register” means the register of registered brokers to be maintained by the Department under paragraph 2;

“relevant offence” means an offence under any of the enactments listed in regulation 2;

“relevant period” means two months or, except in the case of an application for the renewal of his registration by a person who is already registered, such longer period as may be agreed between the applicant and the Department; and

“relevant person” means –

- (a) any person who has been convicted of a relevant offence committed by him in the course of his employment by the applicant or, as the case may be, the registered broker or in the course of the carrying on of any business by a partnership one of the members of which was the applicant or, as the case may be, the registered broker;
- (b) a body corporate which has been convicted of a relevant offence if such relevant offence was committed when the applicant, or as the case may be, the registered broker was a director, manager, secretary or other similar officer of that body corporate; or
- (c) where the applicant or, as the case may be, the registered broker is a body corporate, a person who is a director, manager, secretary or other similar officer of that body corporate and who –
  - (i) has been convicted of a relevant offence; or
  - (ii) was a director, manager, secretary or other similar officer of another body corporate at a time when the relevant offence for which that other body corporate has been convicted was committed.

(2) For the purposes of this Schedule, an application for registration or for the renewal of a registration as a broker of controlled waste shall be treated as pending –

- (a) whilst it is being considered by the Department; or
- (b) if it has been refused or the relevant period from the making of the application has expired without the applicant having been registered, whilst either –
  - (i) the period for appealing in relation to that application has not expired; or
  - (ii) the application is the subject of an appeal which has not been disposed of.

(3) For the purposes of this Schedule, an appeal is disposed of when any of the following occurs –

- (a) the appeal is withdrawn; or
- (b) a determination is issued to the Department by the Planning Appeals Commission in respect of the appeal.



## **Registers**

- 2.—(1) It shall be the duty of the Department to establish and maintain the register and –
- (a) to secure that the register is open for inspection by members of the public free of charge at all reasonable hours; and
  - (b) to afford to members of the public reasonable facilities for obtaining copies of entries in the register on payment of reasonable charges.
- (2) The register may be kept in any form.

## **Applications for registration**

- 3.—(1) An application shall be made to the Department.
- (2) Subject to sub-paragraphs (3) to (5), a person shall not make an application for registration or for the renewal of a registration whilst –
- (a) a previous application of his is pending; or
  - (b) he is registered.
- (3) Sub-paragraph (2) shall not prevent a person from applying for the renewal of a registration where his application is made within the period of six months specified in paragraph 7(5).
- (4) An application in respect of a business which is or is to be carried on by a partnership shall be made by all of the partners or prospective partners.
- (5) A prospective partner in a business carried on by a partnership whose members are already registered with the Department may make an application to the Department for registration as a partner in that business.
- (6) An application shall be made to the Department on a form provided by it for that purpose, and shall be accompanied by such information as the Department reasonably requires.
- (7) Where an applicant wishes to apply to be registered both as a carrier and as a broker of controlled waste, he may make a combined application on a form provided by the Department for that purpose.
- (8) Where an applicant wishes to apply both for the renewal of his registration as a carrier of controlled waste and for the renewal of his registration as a broker of controlled waste, he may make a combined application on a form provided by the Department for that purpose.
- (9) The Department shall provide a copy of the appropriate application form free of charge to any person requesting one.
- (10) The Department shall charge an applicant in respect of its consideration of his application –
- (a) subject to sub-paragraph (c), in the case of either an application for registration as a broker or a combined application for registration as both a carrier and broker, £120;
  - (b) in the case of either an application for the renewal of a registration as a broker or a combined application for renewal of registration both as a carrier and as a broker, £60;
  - (c) in the case of an application by a registered carrier for registration as a broker, £30,
- and the applicant shall pay the charge upon making the application.
- (11) The Department shall, on receipt of an application, ensure that the register contains a copy of the application.
- (12) The Department may refuse an application if –
- (a) there has, in relation to that application, been a contravention of any of the requirements of the preceding provisions of this paragraph; or

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- (b) the applicant or a relevant person has been convicted of a relevant offence and, in the opinion of the Department, it is undesirable for the applicant to be registered as a broker; or
- (c) in the opinion of the Department it is otherwise undesirable for the applicant to be registered as a broker.

(13) Where the Department decides to refuse an application, it shall inform the applicant in writing that his application is refused and shall give the applicant the reasons for its decision.

(14) If an appeal is made under and in accordance with paragraph 6, the Department shall, as soon as reasonably practicable, make appropriate entries in the register indicating when the appeal was made and the result of the appeal.

(15) If no such appeal is made, the Department shall, as soon as reasonably practicable, make an appropriate entry in the register indicating that the application has been refused and that no appeal has been made.

(16) The Department may remove from the register –

- (a) a copy of an application entered on the register under sub-paragraph (11); or
- (b) an entry made under sub-paragraph (14) or (15),

at any time more than six years after the entry in question was put on the register.

(17) On deciding to register an applicant or on the issue to the Department of a determination by the Planning Appeals Commission under paragraph 6(9) that an appeal should be allowed, the Department shall –

- (a) issue to the applicant a certificate of registration free of charge; and
- (b) provide the applicant free of charge with a copy of the entry in the register.

#### **Registration as a broker and amendment of entries**

4.—(1) On deciding to register an applicant or on the issue to the Department of a determination by the Planning Appeals Commission under paragraph 6(9) that an appeal should be allowed, the Department shall make an entry in its register –

- (a) showing that person as a registered broker and allocating him a registration number (which may include any letter);
- (b) specifying the date on which the registration takes effect and its date of expiry;
- (c) stating any business name of the applicant and the address of his principal place of business (together with any telephone, telex or fax number of his) and, in the case of an individual, his date of birth;
- (d) in the case of a body corporate, listing the names of each director, manager, secretary or other similar officer of that body and their respective dates of birth;
- (e) in the case of a company registered under the Companies Orders, specifying its registered number and, in the case of a company incorporated outside Northern Ireland, the country in which it was incorporated and its registration number there (if any);
- (f) in a case where the person who is registered or another relevant person has been convicted of a relevant offence, giving the person's name, details of the offence, the date of conviction, the penalty imposed, the name of the Court and, in the case of an individual, his date of birth; and
- (g) in a case where the person who is registered, or any company in the same group of companies as that person, is the holder of a waste management licence or a disposal licence, stating the name of the holder of the licence.

(2) Where the applicant is a partnership, all the partners shall be registered under one entry and only one registration number shall be allocated to the partnership.

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(3) On making an entry in its register under sub-paragraph (1) the Department shall provide the applicant free of charge with a copy of the entry in the register.

(4) On deciding to renew any registration or on the issue to the Department by the Planning Appeals Commission of any determination under paragraph 6(9) in respect of such an application, the Department shall amend the relevant entry in the register –

- (a) to show the date on which the renewal takes effect and the revised date of expiry of the registration;
- (b) to record any other change required as a result of the application or the appeal; and
- (c) to note in the register the date on which the amendments are made.

(5) The Department shall, at the same time as amending the register under sub-paragraph (4), provide the registered broker free of charge with a copy of the amended entry in the register.

(6) A person who is registered shall notify the Department of any change of circumstances affecting information in the register relating to him.

(7) On –

- (a) being notified of any change of circumstances in accordance with sub-paragraph (6);
- (b) deciding to register a new partner in a registered partnership on an application by such person for registration in the entry in the register relating to that partnership; or
- (c) the issue by the Planning Appeals Commission of a determination under paragraph 6(9) allowing an appeal for the registration of such new partner,

the Department shall –

- (i) amend the relevant entry to reflect the change of circumstances or the registration of the new partner;
- (ii) note in the register the date on which the amendment is made;
- (iii) provide the registered broker free of charge with a copy of the amended entry in the register.

(8) In this paragraph –

“Companies Orders” has the meaning given by Article 2 of the Companies (Northern Ireland) Order 1986<sup>(86)</sup>;

“business name” means a name under which a person carries on business and by virtue of which Article 2(3) of the Business Names (Northern Ireland) Order 1986<sup>(87)</sup> applies; and

“group” has the meaning given by Article 55(1) of the Companies (Northern Ireland) Order 1990<sup>(88)</sup>.

## **Revocation of registration**

5.—(1) The Department may revoke a person’s registration as a broker if –

- (a) that person or a relevant person has been convicted of a relevant offence; and
- (b) in the opinion of the Department, it is undesirable for that person to continue to be a registered broker; or
- (c) in the opinion of the Department it is otherwise undesirable for that person to continue to be a registered broker.

(2) Where the Department decides to revoke a person’s registration as a broker, it shall give him written notice of the revocation and the reasons for its decision.

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<sup>(86)</sup> S.I. 1986/1032 (N.I. 6)

<sup>(87)</sup> S.I. 1986/1033 (N.I. 7)

<sup>(88)</sup> S.I. 1990/593 (N.I. 5)

## Appeals

- 6.—(1) An applicant may appeal to the Planning Appeals Commission if –
- (a) his application is refused; or
  - (b) the relevant period from the making of the application has expired without his having been registered.
- (2) A person whose registration as a broker of controlled waste has been revoked may appeal against the revocation to the Planning Appeals Commission.
- (3) Notice of an appeal to the Planning Appeals Commission under sub-paragraph (1) or (2) shall be given by the appellant to the Planning Appeals Commission within the period specified in sub-paragraph (7).
- (4) If either party to the appeal so requests, the Planning Appeals Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.
- (5) The notice of appeal shall be accompanied by the following –
- (a) a statement of the grounds of appeal;
  - (b) in the case of an appeal under sub-paragraph (1), a copy of the relevant application;
  - (c) in the case of an appeal under sub-paragraph (2), a copy of the appellant’s entry in the register;
  - (d) a copy of any relevant correspondence between the appellant and the Department;
  - (e) a copy of any notice given to the appellant under paragraph 3(13) or 5(2);
  - (f) a statement indicating whether the appellant requests the opportunity of appearing before and being heard by the Planning Appeals Commission.
- (6) The appellant shall at the same time as giving notice of appeal to the Planning Appeals Commission serve on the Department a copy of the notice and a copy of the documents referred to in sub-paragraph (5)(a) and (f).
- (7) Notice of appeal is to be given before the expiry of the period of 28 days beginning with –
- (a) in the case of an appeal under sub-paragraph (1)(a), the date on which the Department serves written notice on the applicant that his application has been refused;
  - (b) in the case of an appeal under sub-paragraph (1)(b), the date on which the relevant period from the making of the application expired without the applicant having been registered; or
  - (c) in the case of an appeal under sub-paragraph (2), the date on which the Department serves written notice on the registered broker that his registration as a broker has been revoked,
- or before such later date as the Planning Appeals Commission may at any time allow.
- (8) The Planning Appeals Commission shall determine the appeal and Article 111 of the Planning (Northern Ireland) Order 1991(89) shall apply in relation to the determination of the appeal as it applies in relation to the determination of an appeal under that Order.
- (9) The Planning Appeals Commission shall notify the appellant of its determination of the appeal and reasons for it, and shall at the same time send a copy of its determination to the Department.

## Duration of registration

- 7.—(1) Subject to the following provisions of this paragraph, a person’s registration as a broker shall cease to have effect on the expiry of the period of three years beginning with the date of the registration or the date of any renewal.

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(2) Where a registered carrier is registered as a broker otherwise than by way of renewal of an existing registration as a broker, and his registration as a carrier will expire within three years of the date of his registration as a broker, if at the time of making the application for registration as a broker he so requests, his registration as a broker shall expire on the same date as the date of expiry of his registration as a carrier.

(3) Where a registered broker is registered as a carrier otherwise than by way of renewal of an existing registration as a carrier, and his registration as a broker will expire within three years of the date of his registration as a carrier, if on the next application for renewal of his registration as a broker he so requests, his renewed registration as a broker shall expire on the same date as the date of expiry of his registration as a carrier.

(4) Registration as a registered broker shall cease to have effect if the registered broker gives written notice to the Department requiring the removal of his name from the register.

(5) The Department shall, no later than six months before the date of expiry of a broker's registration, serve on a registered broker –

- (a) a notice informing him of the date of expiry and of the effect of sub-paragraph (6); and
- (b) an application form for the renewal of his registration and a copy of his current entry in the register.

(6) Where an application for the renewal of a registration is made within the last six months prior to its date of expiry, the registration shall, notwithstanding the passing of the expiry date, continue in force –

- (a) until the application is withdrawn or accepted; or
- (b) if the Department refuses the application or the relevant period from the making of the application has expired without the applicant having been registered, until –
  - (i) the expiry of the period for appealing; or
  - (ii) where the applicant gives to the Department written notice within that period that he does not intend to make or continue with an appeal, the date on which such notice is served on the Department.

(7) Where the Department revokes a broker's registration, the registration shall, notwithstanding the revocation, continue in force until –

- (a) the expiry of the period for appealing against the revocation; or
- (b) where that person gives to the Department written notice within that period that he does not intend to make or continue with an appeal, the date on which such notice is served on the Department.

(8) Where an appeal is made under and in accordance with the provisions of paragraph 6 –

- (a) by a person whose appeal is in respect of such an application for the renewal of his registration as was made, in accordance with paragraph 3, at a time when he was already registered; or
- (b) by a person whose registration has been revoked,

that registration shall continue in force after its date of expiry or, as the case may be, notwithstanding the revocation, until the appeal is disposed of.

(9) A registration in respect of a business which is carried on by a partnership shall cease to have effect if any of the partners ceases to be registered or if any person who is not registered becomes a partner.

(10) The duration of a registration in respect of a business which is carried on by a partnership shall not be affected if a person ceases to be a partner or if a new partner is registered under paragraph 4(7) in relation to the partnership.

(11) Where an application for renewal is made in advance of the expiry date and the Department decides to renew such registration, the renewal shall for the purposes of this Schedule take effect from the expiry date.

### **Cessation of registration**

8. Where by virtue of paragraph 7 a registration ceases to have effect, the Department –
  - (a) shall record this fact in the appropriate entry in its register and the date on which it occurred; and
  - (b) may remove the appropriate entry from its register at any time more than six years after the registration ceases to have effect.

## SCHEDULE 5

Regulations 1 and 26

### CONDITIONS FOR THE KEEPING OR TREATMENT OF END OF LIFE VEHICLES

## PART I

### OBLIGATIONS IN RESPECT OF KEEPING OR TREATMENT OF END OF LIFE VEHICLES

1. No end of life vehicle shall be kept (even temporarily) unless such keeping –
  - (a) is carried out in accordance with the general requirements laid down in Article 4 of the Directive; and
  - (b) complies with the minimum technical requirements set out in Part II.
2. No end of life vehicle shall be treated unless, in respect of the activity or operation performed, that treatment –
  - (a) is carried out in accordance with the general requirements laid down in Article 4 of the Directive; and
  - (b) complies with the minimum technical requirements set out in Part II and, where applicable, meets the following obligations –
    - (i) save where it has already been so treated, before any further treatment or other equivalent arrangement is undertaken, the end of life vehicle shall first be stripped in a way that takes account of any dismantling information provided by the producer to ensure environmentally sound treatment and that best reduces any adverse impact on the environment;
    - (ii) save where it has already been so treated in whole or part, and subject to subparagraph (i), depollution of the end of life vehicle (as described in paragraph 3 of Part II) shall be completed as soon as possible;
    - (iii) hazardous materials and components shall be removed from the end of life vehicle and segregated in such a way so as not to contaminate any part of the vehicle that is subsequently to be shredded;
    - (iv) any stripping or keeping of the end of life vehicle shall be carried out in such a way as to ensure the suitability of its components for either reuse or recovery, and in particular recycling.

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## PART II

### MINIMUM TECHNICAL REQUIREMENTS FOR THE KEEPING AND TREATMENT OF END OF LIFE VEHICLES

1. The keeping (even temporarily) of an end of life vehicle prior to treatment shall only be carried out at a site –
  - (a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers; and
  - (b) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters.
2. The treatment of an end of life vehicle shall only be carried out at a site –
  - (a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers;
  - (b) provided with storage facilities that are appropriate for dismantled spare parts, including impermeable storage facilities for spare parts that are contaminated with oil;
  - (c) provided with containers that are appropriate for the storage of batteries (whether electrolyte neutralisation is carried out on-site or elsewhere), filters and condensers containing any PCB or PCT or both;
  - (d) provided with storage tanks that are appropriate for the separate segregated storage of any fluid from an end of life vehicle;
  - (e) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters;
  - (f) at which there is appropriate storage for used tyres without excessive stockpiling, and minimising any risk of fire.
3. Treatment operations for the depollution of an end of life vehicle shall consist of –
  - (a) the removal of the battery or batteries;
  - (b) the removal of the liquefied gas tank;
  - (c) the removal or neutralisation of all potentially explosive components (including air bags);
  - (d) the removal and separate collection and storage of all –
    - (i) fuel;
    - (ii) motor oil;
    - (iii) transmission oil;
    - (iv) gearbox oil;
    - (v) hydraulic oil;
    - (vi) cooling liquids;
    - (vii) antifreeze;
    - (viii) brake fluids;
    - (ix) air-conditioning system fluids,and any other fluid contained in the said vehicle, but excluding any fluid which is necessarily retained for the reuse of the part concerned; and
  - (e) the removal, so far as is feasible, of all components identified as containing mercury.
4. In order to promote its subsequent recycling, where an article or material listed below is first present in an end of life vehicle, no treatment of that vehicle shall prevent the removal –

- (a) of the catalyst or catalysts;
- (b) (either during shredding or otherwise) of all metal components containing one or more of copper, aluminium and magnesium;
- (c) (either during shredding or otherwise) of the tyres;
- (d) (either during shredding or otherwise) of all large plastic components (including bumpers, the dashboard, and any fluid container) in such a way that they can be effectively recycled as materials;
- (e) of glass,

and where any such article or material is removed it shall be done in such a way as best promotes its recycling.

5. Any keeping operations shall be carried out in such a manner as avoids damage to –
- (a) any component containing a fluid or fluids;
  - (b) any recoverable component;
  - (c) any spare part.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations make provision related to the bringing into operation of the waste management licensing system under Part II of the Waste and Contaminated Land (Northern Ireland) Order 1997 (“the 1997 Order”) and for the purpose of implementing certain Council Directives relating to waste. Regulations 2 to 5 and Schedule 1 make provision in connection with determining whether an applicant for a licence is a fit and proper person. Regulations 6 to 8 contain procedural provisions in relation to appeals under Articles 17 and 36 of the 1997 Order.

Regulations 9 and 10 make provision in relation to the contents of public registers maintained under Article 34 of the 1997 Order. Regulation 11 prescribes what is to be treated as mobile plant for the purposes of Part II of the 1997 Order.

Regulation 12 prohibits the imposition of conditions in waste management licences for the purpose of securing the health of persons at work. Regulation 13 makes provision, pursuant to Council Directive [75/439/EEC](#) on the disposal of waste oils (O.J. No. L194, 25.7.1975, p. 23, as amended by Council Directive [87/101/EEC](#), O.J. No. L42, 12.2.1987, p. 43), as to conditions which are to be included in a licence which relates to waste oil. Regulation 14, for the purpose of implementing Council Directive [80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances, makes provision for the method of dealing with applications for licences in respect of waste activities which could lead to the discharge into groundwater of the substances in lists I and II of that Directive. Regulation 15 amends the Groundwater Regulations (Northern Ireland) 1998.

Regulations 16 and 17 exempt certain activities from the need to have a waste management licence. Regulation 16 disapplies Article 4(l) of the 1997 Order in the case of certain waste activities controlled by other systems. Regulation 17 disapplies Article 4(1)(a) and (b) of the 1997 Order in the case of the activities set out in Part I of Schedule 2. Parts II and III of Schedule 2 deal with information to be supplied in relation to certain exempt activities.



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Regulation 18 provides a system of registration for the activities exempted by regulation 17 and regulation 19 sets out the additional obligations on operators of those activities.

Regulation 20 provides for the refusal, revocation and cessation of exempt activities.

Regulation 21 and Schedule 3 contain provisions which implement Council Directive [75/442/EEC](#) on waste (as amended) (“the Waste Framework Directive”). Part I of Schedule 3 modifies Part II of the 1997 Order, the Industrial Pollution Control (Northern Ireland) Order 1997, the Water (Northern Ireland) Order 1999, Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978, Part II of the Food and Environment Protection Act 1985, and planning legislation, and requires certain functions under those enactments to be discharged with the objectives set out in the Waste Framework Directive. Part I of that Schedule also provides for the preparation of offshore waste management plans, registration of waste collectors, transporters, brokers and dealers who would otherwise not be subject to registration, and the inspection of, and record keeping by, establishments or undertakings carrying out waste disposal or recovery. Parts II and III of that Schedule list waste disposal and recovery operations.

Regulation 22 and Schedule 4 provide for the registration of waste brokers and dealers in respect of their activities on or after 19th August 2004. Schedule 4 makes provision as to the keeping of registers, and in respect of applications for registration, the duration and revocation of registration, and related appeals.

Regulations 23 to 25 amend the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995, the Special Waste Regulations (Northern Ireland) 1998 and the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999.

Regulation 26 and Schedule 5 transpose the requirements of Directive [2002/53/EC](#) of the European Parliament and of the Council on end of life vehicles (the End of Life Vehicles Directive) by ensuring that all activities that constitute treatment of end of life vehicles are licensed so as to meet the requirements of Article 6 and Annex 1 of that Directive.

Regulation 27 revokes the Waste Collection and Disposal (Amendment) Regulations (Northern Ireland) 1997 and the remaining extant provisions of the Waste Collection and Disposal Regulations (Northern Ireland) 1992.