
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 208

The Landfill (Scotland) Regulations 2003

PART I

PRELIMINARY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Landfill (Scotland) Regulations 2003 and shall come into force on the day after the day on which they are made (hereinafter referred to as “the relevant date”).

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 2000 Regulations” means the Pollution Prevention and Control (Scotland) Regulations 2000⁽¹⁾;

“biodegradable waste” means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food, garden waste, paper and cardboard.

“hazardous waste” means any waste as defined by Article 1(4) of Directive 91/689/EEC⁽²⁾ on hazardous waste;

“holder” means the producer of waste or the person who is in possession of it;

“inert waste” means waste which—

- does not undergo any significant physical, chemical or biological transformations;
- 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
- has insignificant total leachability and pollutant content and ecotoxicity of its leachate are insignificant and, in particular, does not endanger the quality of any surface water or groundwater;

“isolated settlement” means a settlement –

- (a) with no more than 500 inhabitants per municipality or settlement and no more than 5 inhabitants per square kilometre; and
- (b) where the distance to the nearest urban agglomeration with at least 250 inhabitants per square kilometre is not less than 50km, or with difficult access by road to those nearest agglomerations, due to harsh meteorological conditions during a significant part of the year;

(1) S.S.I. 2000/323.

(2) O.J. No. L 337, 31.12.91, p.20 as amended by Council Directive 94/31/EC (O.J. L 168, 2.7.1994, p.28).

“landfill” means a landfill to which these Regulations apply (see regulations 3 and 4);

“landfill gas” means any gas generated from landfilled waste;

“landfill permit” means the permit which is required by the 2000 Regulations for the carrying out of the disposal of waste in a landfill;

“leachate” means any liquid percolating through deposited waste and emitted from or contained within a landfill;

“municipal waste” means waste from households as well as other waste which because of its nature or composition is similar to waste from households;

“non-hazardous waste” means waste which is not hazardous waste;

“operator” has the meaning given by regulation 2(1) of the 2000 Regulations;

“relevant authorisation” means, in relation to a landfill, the landfill permit or waste management licence for the time being in force in relation to the landfill;

“relevant waste acceptance criteria” means, in relation to a landfill, the waste acceptance criteria set out in Schedule 2 which apply to the class of landfill to which that landfill belongs;

“treatment” means physical, thermal, chemical or biological processes (including sorting) that change the characteristics of waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery;

“waste” means controlled waste within the meaning of section 75(4) of the Environmental Protection Act 1990(3);

“waste management licence” means a waste management licence within the meaning of Part II of the Environmental Protection Act 1990; and

other expressions which are also used in Directive 99/31/EC on the landfill of waste(4) shall have the same meaning as in that Directive.

- (2) In these Regulations, unless the context otherwise requires, any reference to—
- (a) a numbered regulation or Schedule is a reference to the regulation in, or Schedule to, these Regulations bearing that number; and
 - (b) a numbered paragraph is a reference to the paragraph in that regulation or Schedule bearing that number in the regulation or Schedule of which that paragraph forms part.

Application of regulations

- 3.—(1) Subject to regulation 4, these Regulations apply to landfills.
- (2) Subject to paragraphs (3) and (4), for the purposes of this regulation a landfill is a waste disposal site for the deposit of the waste onto or into land.
- (3) Landfills include—
- (a) subject to paragraph (4), 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.
- (4) Landfills do not include—

(3) 1990 c. 43 and see regulation 7A of S.I. 1992/588 as amended by S.I. 1993/566, regulations 1 and 24(8) of, and paragraph 9 to, Schedule 4 of S.I. 1994/1056 and the amendments made to section 75(2) for the purposes of these Regulations by paragraph 88 of Schedule 22 to the Environment Act 1995 (c. 25) by S.S.I. 206.

(4) O.J. No. L 182, 16.7.1999, p.1; the Directive was designated by S.S.I. 185 as a relevant directive for the purposes of paragraph 20(2)(c) of Schedule 1 to the 1999 Act.

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

Cases where regulations do not apply

4. These Regulations do not apply to—
- (a) the spreading of sludges (including sewage sludges and sludges resulting from dredging operations) and similar matter on the soil for the purposes of fertilisation or improvement;
 - (b) the use of suitable inert waste for redevelopment, restoration and filling-in work or for construction purposes;
 - (c) the deposit of—
 - (i) non-hazardous dredging sludges alongside the bank or towpath of a small waterway from which they have been dredged where that activity falls within the exemption from waste management licensing in paragraph 25 of Schedule 3 to the Waste Management Licensing Regulations 1994⁽⁵⁾;
 - (ii) non-hazardous sludges in surface waters, including the bed and its sub-soil;
 - (d) any landfill which finally ceased to accept waste for deposit before 16th July 2001.

Location

5. A planning permission under the Town and Country Planning (Scotland) Act 1997⁽⁶⁾ may be granted for a landfill only if the requirements of paragraph 1(1) of Schedule 3 to these Regulations have been taken into consideration.

Exemptions from certain provisions of regulations

6. The provisions of these Regulations specified in Schedule 1 shall not apply to—
- (a) a landfill site on an island which on the date these Regulations come into force has remaining landfill capacity, and which—
 - (i) is the only landfill on the island;
 - (ii) is used exclusively for the disposal of waste generated on that island; and
 - (iii) is for non-hazardous or inert wastes with a total capacity not exceeding 15,000 tonnes or with an annual intake not exceeding 1,000 tonnes,until the total capacity of that landfill site has been used; and
 - (b) a landfill site for non-hazardous or inert waste in isolated settlements provided that site is used for the disposal of waste generated only by that isolated settlement.

List of sites

7. SEPA shall—
- (a) prepare a list of all sites that fall within Regulation 6, no later than 16th April 2003 and send that list to Scottish Ministers; and

⁽⁵⁾ S.I. 1994/1056; relevant amendments were made by S.I. 1995/288.

⁽⁶⁾ 1997 c. 8.

- (b) for each site, by 16th July 2003 and thereafter at least annually, carry out visual inspections of waste at the point of deposit to ensure that only non-hazardous waste from the relevant island or isolated settlement is accepted at it.

Extension of categories of landfill subject to the 2000 Regulations etc.

8.—(1) In Part A of Section 5.2 of Part I of Schedule 1 to the 2000 Regulations (landfill and disposal to land)–

- (a) at the beginning there is inserted “(a)”; and
- (b) at the end there is inserted–

“(b) The disposal of waste in any other landfill to which the 2003 Regulations apply.”

(2) Regulations 8(2)(a), 9(1), 9(3) to 9(12) and 9(14) of the 2000 Regulations shall not apply to landfills.

(3) Paragraph 5(b) of Part 1 of Schedule 4 and paragraph 4(8)(b) of Part 2 of Schedule 7 to the 2000 Regulations (requirements to advertise in the Edinburgh Gazette), shall not apply to landfills falling within paragraph (b) of Part A of Section 5.2 of Part 1 of Schedule 1 to those Regulations.