
STATUTORY INSTRUMENTS

2002 No. 1559

The Landfill (England and Wales) Regulations 2002

PART I

PRELIMINARY

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Landfill (England and Wales) Regulations 2002.
- (2) These Regulations shall come into force on 15th June 2002 except for regulation 19(1) which shall come into force on 31st August 2002.
- (3) These Regulations extend to England and Wales only.

Interpretation

2. In these Regulations, unless the context otherwise requires—
- “the 2000 Regulations” means the Pollution Prevention and Control (England and Wales) Regulations 2000(1);
- “biodegradable waste” means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food or garden waste and paper and cardboard;
- “hazardous waste” has the meaning given by regulation 7(2);
- “holder” means the producer of waste or the person who is in possession of it;
- “inert waste” has the meaning given by regulation 7(4);
- “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” has the meaning given by regulation 6(2);
- “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” has the meaning given by regulation 7(3);
- “operator” has the meaning given by regulation 2(1) and (2) 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 1 which apply to the class of landfill to which that landfill belongs;

(1) S.I.2000/1973, to which there are amendments not relevant to these Regulations.

“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⁽²⁾;

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

other expressions used in these Regulations which are also used in Directive 99/31/EC on the landfill of waste⁽³⁾ shall have the same meaning as in that Directive.

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—

- (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 for a period of less than one year prior to disposal.

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 along the bank or towpath of a 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⁽⁴⁾;
 - (ii) non-hazardous sludges in surface waters, including the bed and its sub-soil; or
- (d) any landfill which finally ceased to accept waste for disposal before 16th July 2001.

(2) 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 of Schedule 4 to, S.I. 1994/1056 and the prospective amendments made to section 75 by paragraph 88 of Schedule 22 to the Environment Act 1995 (c. 25).

(3) OJNo. L182, 16.7.1999, p.1; the Directive was designated by S.I. 2001/3585 as a relevant directive for the purposes of paragraph 20(2)(c) of Schedule 1 to the 1999 Act.

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

Location

5. A planning permission under the Town and Country Planning Act 1990⁽⁵⁾ may be granted for a landfill only if the requirements of paragraph 1(1) of Schedule 2 to these Regulations have been taken into consideration.

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

6.—(1) At the end of Part A(1) of Section 5.2 in Part 1 of Schedule 1 to the 2000 Regulations (disposal of waste by landfill) insert—

“(b) The disposal of waste in any other landfill to which the 2002 Regulations apply.”

(2) In these Regulations “landfill permit” means the permit which is required by the 2000 Regulations for the carrying out of the disposal of waste in a landfill.

(3) Regulations 11 and 12(1) to (11) and (14) of the 2000 Regulations shall not apply to landfills.

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

(5) 1990 c. 8.