1980 No. 98

PUBLIC HEALTH

The Pollution Control (Licensing of Waste Disposal) Regulations (Northern Ireland) 1980

Made	*13th March 1980*
Coming into operation . . .	*2nd June 1980*

The Department of the Environment, in exercise of the powers conferred on it by Articles 5(1), 7(1), 8(4), 12(1), 36(3) and 86 of the Pollution Control and Local Government (Northern Ireland) Order 1978(a) and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Pollution Control (Licensing of Waste Disposal) Regulations (Northern Ireland) 1980 and shall come into operation on 2nd June 1980.

Interpretation

2.—(1) In these regulations:—

"the Department" means the Department of the Environment;

"dredging operations" includes the removal of any thing forming part of or projecting from the bed of the sea or of any inland water, by whatever means it is removed and whether or not at the time of removal it is wholly or partly above water;

"the foreshore" means the land between high water mark and low water mark;

"high water mark" means the high water mark of ordinary spring tides and

"low water mark" shall be construed accordingly.

(2) Any reference in these regulations to a numbered Article shall be construed as a reference to the Article bearing that number in the Pollution Control and Local Government (Northern Ireland) Order 1978.

Industrial waste

3. For the purposes of Articles 5 to 13, 16, 18(1) and (2), waste of the following descriptions shall be treated as being industrial waste:—

(*a*) waste produced in the course of constructing, improving, repairing or demolishing any building or structure;

(*b*) waste produced as a result of dredging operations; and

(*c*) sewage deposited on land, other than:—

(i) sewage deposited, whether inside or outside the curtilage of a sewage treatment works, as an integral part of the operation of those works;

(ii) sewage sludge spread on land for agricultural purposes;

(iii) sewage deposited on land from a sanitary convenience forming part of a moving or stationary vehicle which is being used for the conveyance of passengers; and

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

(iv) sewage buried on land being matter taken from a movable receptacle contained in a sanitary convenience serving a signal box, camp site, caravan site, building site, or other land or premises.

Excepted cases under Article 5(1)

4.—(1) Subject to the provisions of paragraph (2), the following cases are hereby prescribed for the purposes of Article 5(1), that is to say any case where:—

(*a*) waste produced in the course of constructing, improving, repairing or demolishing any building or structure is deposited or disposed of on a site being used, or about to be used, for the construction, improvement or repair of a building or structure, provided always that the deposit or disposal is made by, or with the consent of, the occupier of the site;

(*b*) waste ash is deposited or disposed of on a site being used, or about to be used, for the construction, improvement or repair of a building or structure, provided always that the deposit or disposal is made by, or with the consent of, the occupier of the site;

(*c*) waste produced in the course of demolishing a building is deposited on the site of such demolition;

(*d*) spent railway ballast is deposited on operational land occupied by the Northern Ireland Railways Company Limited;

(*e*) waste produced in the course of dredging operations for the purpose of land drainage or the maintenance of a watercourse, is deposited along the banks of that watercourse;

(*f*) waste produced in the course of maintaining any park, sports field, public garden or other recreation ground, or any cemetery, is deposited or disposed of within the boundaries of the ground in which it is produced, provided such deposit or disposal is by or with the consent of the occupier of the ground;

(*g*) waste is deposited or disposed of for the sole purpose of research into the effect of waste on the natural environment or, as the case may be, into the performance of plant or equipment designed or adapted to deal with waste, provided that the district council in whose district the deposit or disposal takes place is notified in advance that the deposit or disposal is to be carried out for the sole purpose of research;

(*h*) waste is deposited directly on land for a period not exceeding one month by, or with the consent of, the occupier of the land, other than waste deposited on a site specifically designed or adapted for the reception of waste with a view to its being disposed of elsewhere;

(*i*) waste is deposited in a receptacle that has been provided or adapted for the reception of waste with a view to that waste being disposed of elsewhere, provided always that the deposit is made by, or with the consent of, the owner of the receptacle;

(*j*) waste is disposed of on the site on which it is produced by means of static plant with a disposal capacity of not more than 200 kilogrammes per hour;

(*k*) waste is deposited by means of a pipeline:—

(i) on the foreshore, or

(ii) on any land above high water mark which is covered by the sea from time to time; or

(*l*) waste is disposed of as an integral part of the industrial process that produces it.

(2) Sub-paragraphs (*a*) to (*k*) of paragraph (i) shall not apply to the deposit or disposal on land, or in a receptacle, of any substance (whether solid, semi-solid or liquid) which is poisonous, noxious or polluting and the presence of which on the land, or as the case may be, in the receptacle, is liable to give rise to an environmental hazard.

(3) The presence of waste for the purposes of paragraph (2) is to be treated as giving rise to an environmental hazard if the waste has been deposited or disposed of in such manner, and in such quantity (whether that quantity by itself or cumulatively with other deposits of the same or different substances) as to subject persons or animals to material risk of death, injury or impairment of health, or as to threaten the pollution or contamination (whether on the surface or underground) of any water supply; and where waste is deposited or disposed of in any receptacle, whether sealed or not, this shall not itself be taken to exclude any risk which might be expected to arise if the waste were not so deposited or disposed of.

Licence applications

5. An application for a disposal licence made in pursuance of Article 7(1) shall state the full name and address of the applicant and include the following information concerning the land or, as the case may be, the plant or equipment to which the application relates:—

(*a*) a map showing its location;

(*b*) the full address of that location;

(*c*) a plan showing its layout;

(*d*) the form of deposit or disposal for which the licence is being sought;

(*e*) the types and estimated quantities of controlled waste it is proposed to deposit or dispose of; and

(*f*) details of any planning permission under the Planning (Northern Ireland) Order 1972(**b**) or any consent under the Water Act (Northern Ireland) 1972(**c**), which has been granted in respect of the use which is the subject of the application.

Appeals under Article 12(1)

6.—(1) Notice of appeal under Article 12(1) (Appeals to Department from decisions with respect to licences) shall be given in writing within six months of the date of the decision in question, or, as the case may be, of the deemed rejection under Article 8(5), or such longer period as the Department may at any time allow.

(2) The Department may, if it thinks fit, require a person who has appealed under Article 12(1) to furnish it within a specified period with two copies of a statement of the reasons for his appeal and two copies of any or all of the following documents:—

(*a*) the application, if any, to the district council for a disposal licence or for a modification of such a licence;

(*b*) any relevant plans, drawings, particulars and documents submitted to the district council in support of the application;

(*c*) any relevant record, consent, determination, notice or other modification made or issued by the district council;

(*d*) any relevant planning permission in force under the Planning (Northern Ireland) Order 1972 and any relevant consent granted under the Water Act (Northern Ireland) 1972; and

(*e*) all relevant correspondence.

(**b**) S.I. 1972/1634 (N.I. 17) (**c**) 1972 c. 5 (N.I.)

(3) The Department shall send to the district council a copy of the notice of appeal and of every other document submitted by the appellant with that notice or furnished by him under paragraph (2).

(4) The Department may, if it thinks fit, require the appellant or the district council to submit within a specified period a further statement in writing in respect of any of the matters to which the appeal relates and if, after considering the grounds of the appeal and any such further statement, the Department is satisfied that it is sufficiently informed for the purpose of reaching a decision as to the matters to which the appeal relates, it may decide the appeal without further investigation; but if it does not so decide it, the Department shall (except in a case where it causes a local inquiry to be held under Article 77), if either party so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Department for that purpose.

Prescribed particulars to be contained in register of disposal licences in accordance with Article 8(4)

7. The register of disposal licences to be maintained by every district council in pursuance of Article 8(4) shall contain the following particulars of each licence issued:—

(*a*) the date of the granting of the disposal licence;

(*b*) the full name and address of the holder of the licence;

(*c*) the full name and address of the local representative (if any) of the holder of the licence;

(*d*) the location of the site to which the licence relates;

(*e*) the form of deposit or disposal to which the licence relates;

(*f*) the types of waste of which the deposit or disposal is authorised by the licence, and any limitations as to quantity specified therein; and

(*g*) the conditions (if any) attached to the issue or variation of the licence.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 13th March 1980.

(L.S.)

J. A. D. Higgins
Senior Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations make provision for a number of matters concerning the licensing of sites for the disposal of controlled waste under Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978.

They prescribe certain descriptions of waste to be industrial waste for the purposes of Part II of the Order, except a number of types of controlled waste from the requirement that the occupier of the site on which disposal operations are carried out should be a holder of a licence from the district council, and indicate the information to be provided by an applicant for a disposal licence. In addition, they describe the manner in which appeals to the Department under Article 12(1) of the Order are to be brought, and list the particulars to be contained in the register of disposal licences that is to be maintained by each district council.