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STATUTORY INSTRUMENTS

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**1997 No. 2778**

**The Waste and Contaminated Land  
(Northern Ireland) Order 1997**

**PART II**

**WASTE ON LAND**

*Collection, disposal or treatment of controlled waste*

**<sup>F1</sup>Waste management plans by district councils**

**23.—(1)** Each district council shall—

- (a) carry out an investigation with a view to deciding—
  - (i) what arrangements are appropriate for dealing with controlled waste arising in its district by separating, baling or otherwise packaging it for the purpose of recovering it; and
  - (ii) what arrangements are needed for the purpose of treating or disposing of controlled waste which is situated in its district and controlled waste which is likely to be so situated so as to prevent or minimise pollution of the environment or harm to human health;
- (b) prepare a statement ( “the plan”) of the arrangements made and proposed to be made—
  - (i) by the council and other persons, to recover controlled waste; and
  - (ii) by the council or waste disposal contractors, for the treatment or disposal of such waste;
- (c) carry out further investigations with a view to deciding what changes in the plan are needed; and
- (d) make any modification of the plan which the council thinks appropriate in consequence of any such further investigation.

**(2)** In considering any arrangements or modification for the purposes of paragraph (1)(b) or (d) a district council shall—

- (a) take account of the [<sup>F2</sup>plan] prepared by the Department under Article 19;
  - (b) in relation to recovering waste, have regard to the effect which the arrangements or modification would be likely to have on the amenities of any locality and the likely cost or saving to the council attributable to the arrangements or modification;
  - (c) in relation to treatment or disposal of waste, have regard both to the likely cost of the arrangements or modification and to their likely beneficial effects on the environment.
- (3)** The district council shall include in the plan information as to—
- (a) in relation to recovering waste—

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**Changes to legislation:** *The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 23 is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (i) the kinds and quantities of controlled waste which the council expects to collect during the period specified in the plan;
  - (ii) the kinds and quantities of controlled waste which the council expects to purchase during that period;
  - (iii) the kinds and quantities of controlled waste which the council expects to deal with in the ways specified in paragraph (1)(a) during that period;
  - (iv) the arrangements which the council expects to make during that period with other district councils or waste disposal contractors for them to deal with waste in those ways;
  - (v) the plant and equipment which the council expects to provide under Article 25;
  - (vi) the estimated costs or savings attributable to the methods of dealing with the waste in the ways provided for in the plan;
- (b) in relation to treatment or disposal of waste—
- (i) the kinds and quantities of controlled waste which the council expects to be situated in its district during that period;
  - (ii) the kinds and quantities of controlled waste which the council expects to be brought into or taken for disposal out of its district during that period;
  - (iii) the kinds and quantities of controlled waste which the council expects to be disposed of within its district during that period;
  - (iv) the methods and the respective priorities for the methods by which in the opinion of the council controlled waste in its district should be disposed of or treated during that period;
  - (v) the sites and equipment which persons are providing and which during that period are expected to provide for disposal of controlled waste; and
  - (vi) the estimated costs of the methods of disposal or treatment provided for in the plan;
- but regulations may modify sub-paragraph (b) and may make provision requiring district councils to take into account in preparing plans and any modifications of plans under this Article such factors as may be prescribed.
- (4) In considering what information to include in the plan under paragraph (3)(b)(iv) the district council shall have regard to the desirability, where reasonably practicable, of giving priority to recovering waste.
- (5) A district council shall—
- (a) in preparing the plan and any modification of it, consult—
    - (i) the Department; and
    - (ii) in a case where provisions of the plan or modification relate to the taking of waste for disposal or treatment into the district of another district council, that other council; and
    - (iii) in any case, such persons as the council considers it appropriate to consult from among persons who in the opinion of the council are or are likely to be, or are representative of persons who are or are likely to be, engaged by way of trade or business in the collection, disposal or treatment of controlled waste situated in the district of the council; and
  - (b) before finally determining the content of the plan or modification, take, subject to paragraph (6), such steps as in the opinion of the council will—
    - (i) give adequate publicity in its district to the plan or modification; and

(ii) provide members of the public with opportunities of making representations to the council about it;

and consider any representations made by the public and make any change in the plan or modification which the council considers appropriate.

(6) No steps need be taken under paragraph (5)(b) in respect of a modification which in the opinion of the district council is such that no person will be prejudiced if those steps are not taken.

(7) Without prejudice to paragraph (5), a district council shall, in preparing the plan and any modification of it, consider, in consultation with such persons as the council considers appropriate and as agree to participate in the consultations—

- (a) what arrangements can reasonably be expected to be made for recovering waste; and
- (b) what provisions should be included in the plan for that purpose.

(8) A district council shall not finally determine the content of the plan or modification in a case falling within paragraph (5)(a)(ii) except with the consent of the other district council or, if the other council withholds its consent, with the consent of the Department.

(9) A district council shall, before finally determining the content of the plan or modification, send a copy of it in draft to the Department for the purpose of enabling the Department to determine whether paragraph (3) has been complied with; and, if the Department gives any directions to the council for securing compliance with that paragraph, the council shall comply with the direction.

(10) When a district council has finally determined the content of the plan or a modification the council shall—

- (a) take such steps as in the opinion of the council will give adequate publicity in its district to the plan or modification; and
- (b) send to the Department a copy of the plan or, as the case may be, particulars of the modification.

(11) Each district council shall keep a copy of the plan and particulars of any modifications to it available at all reasonable times at its principal offices for inspection by members of the public free of charge and shall supply a copy of the plan and of the particulars of any modifications to it to any person who requests one, on payment by that person of such reasonable charge as the council requires.

(12) The Department may give to any district council directions as to the time by which the council is to perform any function imposed by this Article specified in the direction; and the council shall comply with the direction.

**F1** prosp. rep. by [1997 NI 19](#)

**F2** Word in [art. 23\(2\)\(a\)](#) substituted (16.1.2020) by [The Waste Regulations \(Northern Ireland\) 2019 \(S.R. 2019/240\)](#), regs. 1, **9**

**Changes to legislation:**

The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 23 is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 58(1A) inserted by [2011 c. 5 \(N.I.\) s. 8\(3\)](#)
- art. 70(2A)-(2C) inserted by [2011 c. 5 \(N.I.\) s. 9](#)