
STATUTORY INSTRUMENTS

2006 No. 937

The Waste Management (England and Wales) Regulations 2006

Amendment of the Landfill (England and Wales) Regulations 2002

- 9.—(1) The Landfill (England and Wales) Regulations 2002(1) are amended as follows.
- (2) In regulation 2 (interpretation), insert the following definitions at the appropriate places—
- ““agricultural waste” means waste from premises used for agriculture within the meaning of the Agriculture Act 1947;”
- ““mines or quarries waste” means waste from a mine or quarry;”.
- (3) In regulation 4 (cases where regulations do not apply)—
- (a) at the end of paragraph (c), omit “or”;
- (b) at the end of paragraph (d), add—
- “; or
- (e) any landfill for the disposal of agricultural waste or mines or quarries waste which ceased to accept waste for disposal before 15th May 2006”.
- (4) In regulation 8(4) for “paragraph 3(3) to (5)” substitute “paragraphs 3(3) to (5) and 6(2)”.
- (5) In regulation 17(1)(c) after “paragraph 3(5)” insert “, 5(3), (6), (10)(b) or 6(2)”.
- (6) In Schedule 4 (transitional provisions)—
- (a) in paragraph 1(1) at the end of paragraph (b), add—
- “; and
- (c) it is not a landfill to which paragraph 5 applies”;
- (b) in paragraph 3—
- (i) at the beginning of sub-paragraph (1), insert “Subject to sub-paragraph (1A)”;
- (ii) after sub-paragraph (1), insert—
- “(1A) This paragraph does not apply to a landfill to which paragraph 5 applies.”;
- (c) in paragraph 4(1)—
- (i) at the end of paragraph (a), omit “and”;
- (ii) at the end of paragraph (b), add—
- “; and
- (c) it is not a landfill to which paragraph 5 applies”;
- (d) at the end of paragraph 4, insert—
- “5.—(1) This paragraph shall apply to a landfill if—
- (a) it is a site for the disposal of—
- (i) agricultural waste only;

- (ii) mines or quarries waste only; or
 - (iii) agricultural waste and mines or quarries waste only; and
- (b) it is in operation on 15th May 2006.
- (2) A landfill to which this paragraph applies shall be treated as an existing installation for the purposes of Part 1 of Schedule 3 to the 2000 Regulations.
- (3) If the operator proposes to continue to accept waste after 15th June 2006 he shall prepare a conditioning plan for the landfill site and submit it to the Environment Agency before that date.
- (4) The conditioning plan required by sub-paragraph (3) shall—
 - (a) be prepared on a form provided for that purpose by the Environment Agency; and
 - (b) contain details of any corrective measures which the operator considers will be needed in order to comply with the relevant requirements of these Regulations.
- (5) Closure of the landfill (in whole or in part) shall take place as soon as possible in accordance with sub-paragraphs (6) to (10) if—
 - (a) the operator does not propose to continue to accept waste;
 - (b) the Environment Agency decides, following the submission by the operator of a conditioning plan, that there is no reasonable prospect of the landfill or part of it meeting the relevant requirements of these Regulations (such decision, and the reasons for it, to be set out in a notice served on the operator); or
 - (c) the operator fails to submit a conditioning plan as required by sub-paragraphs (3) and (4).
- (6) The operator shall submit to the Environment Agency such reports in connection with the closure of the landfill site as it may require by notice in writing.
- (7) The Environment Agency shall—
 - (a) assess all the reports submitted by the operator; and
 - (b) carry out an on-site inspection.
- (8) The Environment Agency shall by notice in writing served on the operator require closure of the landfill in accordance with the control and monitoring procedures set out in Schedule 3 subject to such conditions as are specified in the notice for such period as the Environment Agency determines is reasonable, taking into account the time during which the landfill could present a hazard to the environment.
- (9) The Environment Agency may, at any time during which the landfill could present a hazard, vary a notice served under sub-paragraph (8) by notice in writing served on the operator and such notice shall state the reasons for the Agency's decision to make the variation.
- (10) The operator shall as soon as reasonably possible—
 - (a) notify the Environment Agency of any significant adverse environmental effects revealed by the control and monitoring procedures required by sub-paragraph (8); and
 - (b) comply with a notice—
 - (i) served under sub-paragraph (8); or
 - (ii) varied under sub-paragraph (9).
- (11) In any case where the whole of a landfill is not subject to closure under sub-paragraph (5) the operator must within the relevant period submit an application for a

landfill permit under regulation 10 of the 2000 Regulations (permits: general provisions) so that the Environment Agency may determine whether waste may continue to be accepted for disposal at the landfill.

(12) Where the Environment Agency decides to grant a landfill permit pursuant to an application made in accordance with sub-paragraph (11), the Agency shall specify the date or dates on which the permit conditions authorised or required by these Regulations shall take effect.

(13) The Environment Agency shall exercise its powers under sub-paragraph (12)—

- (a) on the basis of an assessment of environmental risks; and
- (b) with a view to achieving full compliance with the relevant requirements of these Regulations—
 - (i) as soon as possible; and
 - (ii) by 31st March 2007 at the latest.

(14) A notice served under sub-paragraph (8) shall be treated as a closure notice for the purposes of regulation 27 of the 2000 Regulations (appeals) and a condition of such a notice shall be treated as a condition of a permit for the purposes of regulation 24 of the 2000 Regulations (enforcement notices).

(15) Sections 41 and 42 of the Environment Act 1995⁽²⁾ (charging schemes) shall apply in relation to a notice under sub-paragraph (8) as if any reference to an environmental licence included a reference to such a notice.

(16) In sub-paragraph (11), “relevant period” means the relevant period specified pursuant to paragraph 2(2) of Schedule 3 to the 2000 Regulations⁽³⁾ for landfills to which this paragraph applies.

6.—(1) The Environment Agency shall by notice in writing served on the operator before 15th August 2006 classify any landfill to which paragraph 5 applies and which continues to accept waste which appears to the Environment Agency to require classification as a landfill for hazardous waste.

(2) Regulations 9, 10 and 12 of these Regulations shall impose obligations directly on the operator of any landfill which is for the time being classified under sub-paragraph (1) as a landfill for hazardous waste pending determination of an application made pursuant to paragraph 5(11).”.

(7) For the second column of the table in paragraph 1(14)(a) of Schedule 5 (amendments to subordinate legislation), substitute—

“In the case of a landfill to which paragraph 1 of Schedule 4 to the 2002 Regulations applies, the period specified in the notice served on the operator under paragraph 1(9) of that Schedule and, in the case of a landfill to which paragraph 5 of that Schedule applies, the period of six months starting on 15th August 2006.”.

(2) 1995 c. 25.

(3) The table in paragraph 2(2) of Schedule 3 was amended by regulation 9(7) of these Regulations.