

Enva Northern Ireland Limited  
Toome Refrigeration and WEE  
Treatment Facility  
52 Creagh Road  
Toomebridge  
Co Antrim  
BT41 3SE

Northern Ireland Environmental Agency  
Waste Management  
Lisburn  
BT28 3AL  
☎ [REDACTED]  
✉ [REDACTED]

Our Ref: P0529/15A/T1 & WML 37/09/T  
25<sup>th</sup> October 2023

Dear Mr [REDACTED],

**THE WASTE AND CONTAMINATED LAND (NORTHERN IRELAND) ORDER 1997**

I am writing to you regarding the deposit and keeping of controlled waste on lands across from the authorised site P0529/15A/T1 and LN/21/19 at 52 Creagh Road, Toomebridge, BT41 3SE.

There is no waste authorisation in place for this area and no further deposit of controlled waste should occur in this area. The deposit and keeping of controlled waste without a waste authorisation is an offence.

Arrangements must now be made to dispose of the existing controlled waste legally.

**Please see attached the Article 27 Notice with Directions. Failure to comply with an Article 27 Notice is an offence.**

A further site inspection will take place on or after 15<sup>th</sup> December 2023 to ensure that no further deposits of controlled waste have taken place and that the waste from in the area mentioned above has been cleared as directed.

If you wish to discuss any aspect of this letter and would like advice on how to comply with the legislation, please contact me on [REDACTED].

Yours faithfully

[REDACTED]  
Regulation Unit



## ADVICE NOTE ON WASTE DISPOSAL AND DUTY OF CARE

### **Waste Management Licensing**

Waste management licences are required to authorise:-

- (a) the deposit of controlled waste in or on land;
- (b) the disposal and treatment (including recovery) of controlled waste;
- (c) the use of certain mobile plant to dispose of or treat controlled waste.

Exclusions and exemptions from these requirements are prescribed in regulation 16 and 17 of and Part I of Schedule 2 to the Waste Management Licensing Regulations (Northern Ireland) and are registered by NIEA. A list of currently licensed disposal sites in your area is available on request.

***For further Waste Management Licensing information and application forms, please contact the Waste management Team on 02890569358.***

### **Duty of Care**

The duty of care applies to any person who produces, imports, carries, keeps, treats or disposes of controlled waste, or, as a broker has control of such waste. Breach of the duty of care is an offence, which on summary conviction is liable to a fine not exceeding the statutory maximum or, an unlimited fine if convicted on indictment.

Such persons must take all measures applicable to him in that capacity as are reasonable in the circumstances to:

- Prevent the deposit of controlled waste on land except under the terms of a waste management license;
- Prevent the escape of waste from his control, or that of any other person;
- Secure that any transfer of waste is only to an authorised person; and
- Be accompanied by a description adequate to help any subsequent holder avoid breaching the duty

In practice the legislation requires all producers, carriers and managers of waste to put in place a system of transfer notes in order to document waste movements. The 2002 Regulations specify that copies of the transfer note must be kept by the transferor and the transferee for a period of 2 years, however, it is not specified which of the 2 parties must complete the transfer note. Either party may complete it. However, both parties are required to ensure that it is completed and must sign it and keep a copy.

***Further advice is available on the Departments website:***  
<https://www.daera-ni.gov.uk/topics/waste>

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Northern Ireland Environmental Agency  
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Our reference: P0529/15A/T1 & WML 37/09/T

██████████  
ENVA Northern Ireland Limited  
Treatment Facility  
52 Creagh Road  
Toomebridge  
Co Antrim  
BT41 3SE

29<sup>th</sup> January 2024

Dear ██████████,

**THE WASTE AND CONTAMINATED LAND (NORTHERN IRELAND) ORDER 1997.**

I refer to the Fixed Penalty Notices ref nos ██████████ and ██████████ which were issued on 12<sup>h</sup> January 2024.

The Department has now received payment from you in respect of these FPN's.

This now concludes matters relating to the incident where ██████████ did deposit and keep controlled waste on lands across from 52 Creagh Road, Toomebridge, Co.Antrim, BT41 3SE, without there being in force a waste management licence. The Department now considers the matter closed.

Should you be the subject of any future investigation into similar offences, the Department may not offer the option of discharging these by way of FPN as an alternative to prosecution.

Yours sincerely,

██████████

**Regulation Unit**

*Sustainability at the heart of a living, working, active landscape valued by everyone.*





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Our Ref: P0529/15A/T1 & WML 37/09/T  
29<sup>th</sup> December 2023

Dear [REDACTED],

**THE WASTE AND CONTAMINATED LAND (NORTHERN IRELAND) ORDER 1997**

I refer to the Article 27 Notice issued to you on 25<sup>th</sup> October 2023, directing you to remove controlled waste on lands across from the 52 Creagh Road, Toomebridge, Co. Antrim, BT41 3SE.

The Department is now content that Direction 1 on the Notice has been complied with and this Notice is now closed.

Should you have any queries, please do not hesitate to contact me on [REDACTED] or [REDACTED]

Yours faithfully,

[REDACTED]  
[REDACTED]  
Regulation Unit