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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 541**

**ENVIRONMENTAL PROTECTION**

**The Waste Management Licensing  
Amendment (Scotland) Regulations 2006**

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|--|---------|--------------------------|
| <i>Made</i>                                    | - - - - | <i>8th November 2006</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>9th November 2006</i> |
| <i>Coming into force</i>                       | - -     | <i>1st December 2006</i> |

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Waste Management Licensing Amendment (Scotland) Regulations 2006 and shall come into force on 1st December 2006.

(2) Any word or expression used both in these Regulations and the Waste Management Licensing Regulations 1994<sup>(2)</sup> (“the 1994 Regulations”) has the same meaning for the purposes of these Regulations as it has for the purposes of the 1994 Regulations.

(3) These Regulations extend to Scotland only.

**Amendment of the Waste Management Licensing Regulations 1994**

2. The 1994 Regulations are amended as follows.

3. In regulation 1(3) (citation, commencement, interpretation and extent)–

(a) after the definition of “agricultural waste” insert–

““co-incineration” means the use of wastes as a regular or additional fuel in a co-incineration plant or the thermal treatment of waste for the purposes of disposal in a co-incineration plant;

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I. 1994/1056; amended by S.I. 1994/1137; 1995/288 and 1950; 1996/593, 634, 916, 972, 973 and 1279; 1997/2203; 1998/606 and 2746; S.S.I. 2000/323; S.S.I. 2003/170, 171 and 593; S.S.I. 2004/275; S.S.I. 2005/22; S.S.I. 2006/128.

“co-incineration plant” means any stationary or mobile plant whose main purpose is the generation of energy or production of material products and—

- which uses wastes as a regular or additional fuel, or
- in which waste is thermally treated for the purpose of disposal,

if co-incineration takes place in such a way that the main purpose of the plant is not the generation of energy or production of material products but rather the thermal treatment of waste, the plant shall be regarded as an incineration plant; this definition covers the site and the entire plant including all co-incineration lines, waste reception, storage, on site pre treatment facilities, waste-, fuel- and air supply systems, boiler, facilities for the treatment of exhaust gases, on site facilities for treatment or storage of residues and waste water, stack devices and systems for controlling incineration operations, recording and monitoring incineration conditions;”;

- (b) for the definition of “the Directive” substitute—

““the Directive” means Directive [2006/12/EC](#) of the European Parliament and of the Council of 5th April 2006 on waste(3);”

- (c) in the definition of “European Waste Catalogue”, for “the Directive” substitute “Directive [75/442/EEC](#) on waste”;

- (d) after the definition of “exempt activity” insert—

““incineration” means the thermal treatment of wastes with or without recovery of the combustion heat generated;

“incineration plant” means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of wastes with or without recovery of the combustion heat generated. This includes the incineration by oxidation of waste as well as other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated. This definition covers the site and the entire incineration plant including all incineration lines, waste reception, storage, on site pre treatment facilities, waste-, fuel- and air-supply systems, boiler, facilities for the treatment of exhaust gases, on site facilities for treatment or storage of residues and waste water, stack devices and systems for controlling incineration operations recording and monitoring incineration conditions;”;

- (e) after the definition of “the water environment”(4) insert—

““WEEE” means electrical or electronic equipment which is waste including all components, subassemblies and consumables which are part of the product at the time of discarding;

“the WEEE Directive” means Directive [2002/96/EC](#) of the European Parliament and of the Council of 27th January 2003 on waste electrical and electronic equipment (WEEE)(5) as amended by Directive [2003/108/EC](#)(6);”.

4. For regulation 17 (exemptions from waste management licensing) substitute—

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(3) O.J. No. L 114, 27.04.2006, p.21. This Directive codifies Council Directive [75/442/EEC](#) (O.J. No. L 194, 25.07.1965, p.39) as amended by Council Directive [91/156/EEC](#) (O.J. No. L 78, 26.03.1991, p.32), Council Directive [91/156/EEC](#) (O.J. No. L 377, 31.12.1991, p.48), Commission Decision [96/350/EC](#) (O.J. No. L 135, 06.06.1996, p.32) and Regulation (EC) No. [1882/2003](#) of the European Parliament and of the Council (O.J. No. L 284, 31.10.2003, p.1).

(4) The definition of “the water environment” was inserted by [S.S.I. 2006/128](#), regulation 3.

(5) O.J. No. L 37, 13.02.2003, p.24.

(6) O.J. No. L 345, 31.12.2003, p.106.

### **“Exemptions from waste management licensing**

17.—(1) Subject to the following provisions of this regulation and to any conditions or limitations in Schedule 3, section 33(1)(a) and (b) of the 1990 Act shall not apply in relation to the carrying on of any exempt activity set out in that Schedule.

(2) Paragraph (1) applies to the carrying on of an exempt activity insofar as it involves special waste—

- (a) only to the extent indicated in Schedule 3; and
- (b) provided that the activity does not involve the carrying out, by an establishment or undertaking, of their own disposal of such waste at the place of production.

(3) In the case of an exempt activity carried out by an establishment or undertaking on any land not within its ownership or control the establishment or undertaking shall obtain all consents necessary to enable the activity to be carried out.

(4) Unless otherwise indicated in Schedule 3, paragraph (1) does not apply to the carrying out of an activity in so far as it involves the storage or treatment of WEEE.

(5) In the case of an exempt activity involving the carrying out by an establishment or undertaking of the disposal or recovery of waste, paragraph (1) applies only if—

- (a) the type and quantity of waste; and
- (b) the method of disposal or recovery,

are consistent with ensuring the attainment of the objectives mentioned in paragraph 4(1) (a) of Part I of Schedule 4.

(6) In the case of a person carrying on an exempt activity which is a controlled activity, paragraph (1) applies only if that person—

- (a) takes all reasonable steps to secure efficient and sustainable water use; and
- (b) complies with the requirements of—
  - (i) Council Directive [80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances [\(7\)](#); and
  - (ii) Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy [\(8\)](#).

(7) For the purposes of Schedule 3, a container, lagoon or place is secure in relation to waste kept in it if all reasonable precautions are taken to ensure that the waste cannot escape from it and members of the public are unable to gain access to the waste, and any reference to secure storage means storage in a secure container, lagoon or place.

(8) For the purposes of Schedule 3, “benefit to agriculture or ecological improvement” shall be construed in accordance with Part 2 of Schedule 3A and any guidance issued under paragraph (9) of this regulation.

(9) A waste regulation authority shall have regard to any guidance issued to it by the Scottish Ministers with respect to the discharge of its functions in relation to an exempt activity.”

### **5. In regulation 17A—**

- (a) for “regulation 17(4A)” substitute “regulation 17(6)”, and

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(7) O.J. No. L 20, 26.1.1980, p.43; amended by Council Directive [91/692/EEC](#) standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (O.J. No. L 377, 31.12.1991, p.48).

(8) O.J. No. L 327, 22.12.2000, p.1; amended by Decision [2455/2001/EC](#) of the European Parliament and of the Council of 20th November 2001 establishing the list of priority substances in the field of water policy and amending Directive [2000/60/EC](#) (O.J. No. L 331, 15.12.2001, p.1).

(b) at the end, insert—

“(2) Paragraph (1) does not apply to any activity specified in section 20(3)(c) or (d) of the Water Environment and Water Services (Scotland) Act 2003<sup>(9)</sup> (“the 2003 Act”) or to any activity connected with such an activity and to which section 20(3)(e) of the 2003 Act applies.”.

6. For regulation 18 substitute—

**“Registration in connection with exempt activities**

**18.—**(1) Subject to paragraph (2), it shall be an offence for an establishment or undertaking to carry on an exempt activity involving the recovery or disposal of waste without being registered with the appropriate registration authority.

(2) Paragraph (1) shall not apply in the case of an exempt activity to which a resolution under section 54 of the 1990 Act relates and which is carried on in accordance with the conditions, specified in the resolution, which relate to it.

(3) It shall be the duty of each appropriate registration authority to establish and maintain a register for the purposes of paragraph (1) of establishments and undertakings carrying on exempt activities involving the recovery or disposal of waste in respect of which it is the appropriate registration authority.

(4) Subject to paragraph (5), the register shall contain the following particulars in relation to each such establishment or undertaking—

- (a) the name and address of the establishment or undertaking;
- (b) the activity which constitutes the exempt activity; and
- (c) the place where the activity is carried on.

(5) Subject to paragraphs (6) to (9), the appropriate registration authority shall enter the relevant particulars in the register in relation to an establishment or undertaking if it receives notice of them in writing or otherwise becomes aware of those particulars.

(6) Paragraph (5) shall not apply in the case of an exempt activity falling within paragraph 45(1) or (2) of Schedule 3 and, in such a case, the appropriate registration authority shall enter the relevant particulars in the register in relation to an establishment or undertaking only if—

- (a) it receives notice of them in writing;
- (b) that notice is provided to it by that establishment or undertaking;
- (c) that notice is accompanied by a plan of each place at which any such exempt activity is carried on showing—
  - (i) the boundaries of that place;
  - (ii) the locations within that place at which the exempt activity is to be carried on;
  - (iii) the location and specifications of any such impermeable pavements, drainage systems or hardstandings as are mentioned in paragraph 45(1)(c) or (2)(f) or (g) of Schedule 3; and
  - (iv) the location of any such secure containers as are mentioned in paragraph 45(2)(e) of Schedule 3;
- (d) in the case of waste motor vehicles, it has first verified, further to its inspection of each such place—

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(9) 2003 asp 3. Section 20 was amended by S.S.I. 2005/348, regulation 3.

- (i) the type of waste to be treated;
- (ii) the quantities of waste to be treated;
- (iii) the general technical requirements to be complied with; and
- (iv) the safety precautions that are to be taken,

in order to achieve the objectives referred to in Article 4 of the Directive, and a registration further to such verification shall continue subject to the requirement that verification upon inspection be made annually in respect of it; and

- (e) that notice is also accompanied by payment of the charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995<sup>(10)</sup> in respect of each place where any such exempt activity is carried on.

(7) Where any fee payable under paragraph 45(3)(d) of Schedule 3 is not received by the appropriate registration authority within 2 months of the due date for its payment as ascertained in accordance with paragraph 45(4) of Schedule 3—

- (a) in a case where the establishment or undertaking is registered for exempt activities falling within paragraph 45(1) or (2) in respect of only one place, or where it is so registered in respect of more than one place and the fee in respect of each such place is then unpaid, the registration of the establishment or undertaking shall be cancelled and the authority shall remove from its register the relevant entry in respect of the establishment or undertaking;
- (b) in any other case, the registration of the establishment or undertaking in respect of those activities shall be cancelled insofar as it relates to any place in respect of which the fee is then unpaid and the authority shall amend the relevant entry in its register accordingly,

and where the authority removes or amends an entry from or in its register by virtue of this paragraph it shall notify the establishment or undertaking in writing of the removal or amendment.

- (a) (8) Paragraph (5) does not apply in the case of an exempt activity falling within paragraphs 7, 8(2), 9, 10, 12, 19, 42, 46 or 47 of Schedule 3 and the provisions of this paragraph shall instead apply to such an activity.
- (b) An establishment or undertaking which intends to carry out an exempt activity to which this paragraph applies shall provide to the appropriate registration authority a written notice given on a form provided for the purpose by the appropriate registration authority (“the notice”) together with—
  - (i) a plan and the documents specified in Part 1 of Schedule 3A and such other information as the appropriate registration authority reasonably requires, and
  - (ii) payment of the charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995.
- (c) Subject to sub paragraphs (d) and (e), unless the appropriate registration authority has within the period of 21 days from the date on which it received the notice, either—
  - (i) entered the relevant particulars in the register in relation to the establishment or undertaking which submitted the notice, or
  - (ii) served on it a notice of refusal stating that registration is refused and giving reasons for that decision,

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(10) 1995 c. 25.

those particulars shall be deemed to be entered in the register at the end of that 21 day period.

- (d) In the case of a notice in relation to an exempt activity falling within paragraph 46 of Schedule 3, the relevant particulars shall be deemed to be entered in the register on the date which is requested in the notice, provided that—
  - (i) the notice was submitted to the appropriate registration authority as soon as was practicable before the requested date; and
  - (ii) the appropriate registration authority has not within the period prior to the requested date either entered the relevant particulars in the register or served a notice of refusal on the establishment or undertaking.
- (e) Particulars entered or deemed to be entered into the register under this paragraph shall be deemed to be removed from the register on the expiry of 12 months from the date on which they were entered or deemed to be entered (“the removal date”), unless the establishment or undertaking has no later than 21 days before the removal date provided to the appropriate registration authority—
  - (i) a notice containing a request that registration of an exempt activity registered under this paragraph be renewed (“the renewal notice”) and either confirmation that the particulars submitted in the notice and the plan and documentation which accompanied it remain accurate or a revision of such of the particulars of the notice and plan and documentation as are no longer accurate, and
  - (ii) the renewal notice is accompanied by payment of the charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995.
- (a) (9) Subject to sub paragraphs (b) and (c), the appropriate registration authority may remove from the register the particulars which have been entered in relation to an exempt activity where it is satisfied that—
  - (i) the establishment or undertaking to which the relevant entry relates no longer exists or is no longer carrying out that activity;
  - (ii) the activity is no longer being carried out in compliance with the conditions or limitations of the relevant paragraph of Schedule 3 or with the relevant provisions of regulation 17(3), (4) (5) or (6); or
  - (iii) there has been a breach of any of the registration obligations in regulation 18A which apply in relation to an activity.
- (b) Before removing the relevant entry from the register, the appropriate registration authority shall serve on the establishment or undertaking to which the relevant entry relates a notice (“notice of removal”) stating that the registration is cancelled on a date specified in the notice which shall be at least 28 days after the date on which the notice is served and giving reasons for the cancellation.
- (c) A notice of removal served in accordance with sub paragraph (b) can be withdrawn by the appropriate registration authority at any time and the relevant entry reinstated in the register with or without amendment of the particulars relating to that entry.
- (10) For the purposes of paragraph (5), the appropriate registration authority shall be taken to be aware of the relevant particulars in relation to—
  - (a) an exempt activity carried out under an authorisation granted under Part I of the 1990 Act, or storage related to such an activity;

(b) an exempt activity carried out under a permit granted under the 2000 Regulations, or storage related to such an activity;

(c) an exempt activity falling within paragraph 23 of Schedule 3.

(11) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding—

(a) in the case of an exempt activity falling within paragraph 7, 8(2), 9, 10, 12, 19, 42, 46 or 47 of Schedule 3, level 3 on the standard scale; and

(b) in any other case, level 2 on the standard scale.

(12) Each appropriate registration authority shall secure that any register maintained by it under this regulation is open to inspection by members of the public free of charge at all reasonable hours and shall afford to members of the public reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in the register.

(13) Registers under this regulation may be kept in any form.

(14) For the purposes of this regulation and regulation 18A, the appropriate registration authority is—

(a) in the case of an exempt activity falling within paragraph 23 of Schedule 3, the authority responsible for granting an authorisation under regulation 27 of the Animal By-Products (Scotland) Regulations 2003<sup>(11)</sup> under which the exempt activity is carried on; and

(b) in any other case, the waste regulation authority.”.

7. For regulation 18A substitute—

**“Registration obligations**

**18A.**—(1) The obligations described in paragraph (2) (“the registration obligations”) shall apply to establishments or undertakings whose particulars are entered into the register in relation to an exempt activity falling within paragraphs 7, 8(2), 9, 10, 12, 19, 42, 46 and 47 of Schedule 3, to the extent specified in paragraph (2).

(a) (2) Except in the case of an exempt activity falling within paragraph 46 of Schedule 3, at least 21 days' written notice of the date on which the exempt activity is first to be carried on shall be given to the appropriate registration authority unless this information was provided in the notice or renewal notice given under regulation 18.

(b) Records shall be kept of the quantity, nature, origin, destination and method of recovery or disposal of all waste used in reliance upon an exempt activity falling within the following descriptions—

(i) paragraphs 7, 8(2), 10 and 46;

(ii) paragraphs 9 and 19 where the volume of waste used exceeds 2,500 cubic metres;

(iii) paragraph 12 where the volume of waste used exceeds 10 tonnes per annum.

(c) Records kept under sub paragraph (b) of this regulation shall be kept for a period of at least 2 years and shall be submitted to or made available to the appropriate registration authority on request.

(3) A person who carries on an exempt activity—

(a) in breach of the registration obligations;

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<sup>(11)</sup> S.S.I. 2003/411; amended by S.S.I. 2006/3, Schedule 7, paragraph 44.



- (b) in breach of any of the conditions or limitations stipulated in the paragraph of Schedule 3 in respect of which the activity has been registered; or
  - (c) in breach of the requirements of regulation 17(3), (4), (5) or (6),
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

8. For Schedule 3 (activities exempt from waste management licensing), substitute Schedule 1 to these Regulations.

9. For Schedule 3A (plans and documents etc. required for registration) substitute Schedule 2 to these Regulations.

### **Amendment of the Environment Act 1995**

10.—(1) The Environment Act 1995<sup>(12)</sup> is amended in accordance with this regulation.

(2) In section 56(1) (interpretation of Part I), in the definition of “environmental licence” in the application of Part I of that Act to SEPA, for paragraph (j) substitute—

- “(j) registration in respect of an activity falling within paragraph 7, 8(2), 9, 10, 12, 19, 42, 45(1) or (2), 46 or 47 of Schedule 3 to those Regulations, except where the waste which is the subject of the activity consists of agricultural waste within the meaning of those Regulations.”.

### **Transitional provisions**

11. Any exempt activity carried on immediately before 1st December 2006 under Schedule 3 to the 1994 Regulations, may continue to be carried on—

- (a) where the establishment or undertaking carrying on the activity applies to the waste regulation authority for a waste management licence or a permit under regulation 7 of the Pollution Prevention and Control (Scotland) Regulations 2000<sup>(13)</sup> in relation to the activity in question before 1st December 2006, until the date on which the licence or permit applied for is granted, or if the application is (or is deemed to be) rejected, until the date on which—
  - (i) the period for appealing expires without an appeal having been made; or
  - (ii) any appeal is withdrawn or finally determined;
- (b) where the establishment or undertaking is carrying on an activity to which regulation 18(4C) of the 1994 Regulations applies, until the earlier of—
  - (i) the date upon which that activity is deemed to have been removed from the register in accordance with regulation 18(4C)(d) of the 1994 Regulations; or
  - (ii) 1st December 2007; and
- (c) in any other case, until 1st December 2007.

12. Where the appropriate registration authority receives notice under regulation 18(4) or regulation 18(4C)(b) of the 1994 Regulations but the relevant particulars are not yet entered or deemed to be entered into the register before 1st December 2006, that notification shall be treated as if it had been submitted on 1st December 2006.

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(12) 1995 c. 25. Section 56(1) was amended by the Pollution Prevention and Control Act 1999 (c. 24), Schedule 2, paragraph 17 and Schedule 3; by S.S.I. 2000/323, Schedule 10, paragraph 5(2); S.S.I. 2003/171, regulation 2(2); S.S.I. 2004/275, regulation 2(2); and S.S.I. 2006/181, regulation 2 and Schedule 1 (Part IV), paragraph 8(3).

(13) S.S.I. 2000/323 as amended by 2004 asp 8, Schedule 2, paragraph 7; by S.S.I. 2002/493; by S.S.I. 2003/146, 170, 221, 234 and 411; by S.S.I. 2004/26, 110, 112 and 512; by S.S.I. 2005/101 and 340.



St Andrew's House,  
Edinburgh  
8th November 2006

*ROSS FINNIE*  
A member of the Scottish Executive

## SCHEDULE 1

Regulation 8

## NEW SCHEDULE 3 TO THE WASTE MANAGEMENT LICENSING REGULATIONS 1994

## “SCHEDULE 3

Regulation 1(3) and 17

## ACTIVITIES EXEMPT FROM WASTE MANAGEMENT LICENSING

1.—(1) The use, under an authorisation granted under Part I of the 1990 Act, of waste glass as part of a process within Part B of Section 3.5 (glass manufacture and production) of Schedule 1 to the 1991 Regulations if the total quantity of waste glass so used in that process does not exceed 600,000 tonnes in any period of twelve months.

(2) The use, under a permit granted under the 2000 Regulations, of waste glass as part of an activity within Part B of Section 3.3 (the manufacture of glass and glass fibre) of Part 1 of Schedule 1 to the 2000 Regulations if the total quantity of waste glass so used in that activity does not exceed 600,000 tonnes in any period of twelve months.

(3) The storage, at the place where the activity is carried out, of any waste which is intended to be used in reliance upon the exemption conferred by sub paragraph (1) or (2).

2.—(1) The operation, under a permit granted under the 2000 Regulations, of a scrap metal furnace with a design holding capacity of less than 25 tonnes to the extent that it is or forms part of an activity within paragraph (a) or (d) of Part B of Section 2.1 (ferrous metals) or paragraph (a) or (b) of Part B of Section 2.2 (non ferrous metals) of Part 1 of Schedule 1 to the 2000 Regulations.

(2) The loading or unloading of such a furnace in connection with its operation in a manner covered by the exemption conferred by sub paragraph (1).

(3) The storage, at the place where such a furnace is located (but not in cases where that place is used for carrying on business as a scrap metal dealer) of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub paragraph (1).

3. The carrying on of any of the following operations—

(a) burning as a fuel, under an authorisation granted under Part I of the 1990 Act or a permit granted under the 2000 Regulations, of—

(i) straw, poultry litter or wood;

(ii) waste oil listed in Table 1B (including waste oil which is special waste); or

(iii) solid fuel which has been manufactured from waste by a process involving the application of heat,

to the extent that it is or forms part of a process within Part B of any Section of Schedule 1 to the 1991 Regulations or an activity within Part B of any Section of Part 1 of Schedule 1 to the 2000 Regulations;

(b) the secure storage on any premises of any wastes mentioned in sub paragraph (a), other than waste oil, which are intended to be burned as mentioned in that sub paragraph, and the feeding of such wastes into an appliance in which they are to be so burned;

(c) the secure storage of waste oil listed in Table 1B (including waste oil which is special waste) at the place where it is produced for a period not exceeding 12 months if the waste oil is intended to be submitted to an operation covered by the exemption conferred by sub paragraph (a); and provided that the total volume of that oil does not at any time exceed 23,000 litres;

(d) burning as a fuel, under an authorisation granted under Part I of the 1990 Act or a permit granted under the 2000 Regulations, of tyres to the extent that it is or forms part of a process

within Part B of Section 1.3 of Schedule 1 to the 1991 Regulations or an activity within Part B of Section 1.1 of Part 1 of Schedule 1 to the 2000 Regulations, and the shredding and feeding of tyres into an appliance in which they are to be so burned;

- (e) the secure storage on any premises of tyres where—
- (i) the tyres are intended to be submitted to an operation covered by the exemption conferred by sub paragraph (d);
  - (ii) the tyres are stored separately;
  - (iii) none of the tyres is stored on the premises for longer than 12 months; and
  - (iv) the number of the tyres stored on the premises does not at any time exceed 1,000.

**Table 1B**

| <i>Codes*</i>  | <i>Types of waste</i>   |
|--|---|
| <i>Waste hydraulic oils (13 01)</i>                        |   |
| 13 01 09**   | Mineral based chlorinated hydraulic oils  |
| 13 01 10**   | Mineral based non chlorinated hydraulic oils  |
| 13 01 11**   | Synthetic hydraulic oils  |
| 13 01 12**   | Readily biodegradable hydraulic oils  |
| 13 01 13**   | Other hydraulic oils  |
| <i>Waste engine, gear and lubricating oils (13 02)</i>     |   |
| 13 02 04**   | Mineral-based chlorinated engine, gear and lubricating oils   |
| 13 02 05**   | Mineral-based non chlorinated engine, gear and lubricating oils   |
| 13 02 06**   | Synthetic engine, gear and lubricating oils   |
| 13 02 07**   | Readily biodegradable engine, gear and lubricating oils   |
| 13 02 08**   | Other engine, gear and lubricating oils   |
| <i>Waste insulating and heat transmission oils (13 03)</i> |   |
| 13 03 06**   | Mineral based chlorinated insulating and heat transmission oils other than those mentioned in 13 03 01 (insulating or heat transmission oils containing PCBs) |
| 13 03 07**   | Mineral based non-chlorinated insulating and heat transmission oils   |
| 13 03 08**   | Synthetic insulating and heat transmission oils   |
| * Codes referred to in the European Waste Catalogue.       |   |
| ** Includes special waste.                                 |   |

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Codes*</i>  | <i>Types of waste</i>                                       |
|--|---|
| 13 03 09**   | Readily biodegradable insulating and heat transmission oils |
| 13 03 10**   | Other insulating and heat transmission oils                 |
| <i>Bilge oils (13 04)</i>                            |   |
| 13 04 01**   | Bilge oils from inland navigation                           |
| 13 04 02**   | Bilge oils from jetty sewers                                |
| 13 04 03**   | Bilge oils from other navigation                            |
| <i>Waste of liquid fuels (13 07)</i>                 |   |
| 13 07 01**   | Fuel oil and diesel   |
| 13 07 02**   | Petrol  |
| 13 07 03**   | Other fuels (including mixtures)                            |
| * Codes referred to in the European Waste Catalogue. |   |
| ** Includes special waste.                           |   |

4.—(1) The cleaning, washing, spraying or coating of waste consisting of packaging or containers so that it or they can be reused if the total quantity of such waste so dealt with at any place does not exceed 1,000 tonnes in any period of seven days.

(2) The storage of waste in connection with the carrying on of any activities described in sub paragraph (1) if that storage is at the place where the activity is carried on unless—

- (a) the total quantity of such waste stored at that place exceeds 1,000 tonnes; or
- (b) more than one tonne of metal containers used for the transport or storage of any chemical are dealt with in any period of seven days.

5.—(1) Burning waste as a fuel in an appliance if the appliance has a net rated thermal input of less than 0.4 megawatts or, where the appliance is used together with (whether or not it is operated simultaneously with) other appliances, the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

(2) The secure storage of waste intended to be submitted to such burning.

(3) In this paragraph, “net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

(4) The recovery, from waste vegetable oils (within category 20 01 25 of the European Waste Catalogue), of fuel for use in an engine of an aircraft, hovercraft, mechanically propelled vehicle, railway locomotive, ship or other vessel, or in appliances described in sub paragraph (1).

(5) The secure storage of—

- (a) such waste vegetable oil prior to the carrying out of the fuel recovery process, and
- (b) waste produced by the fuel recovery process.

(6) Sub paragraph (4) or, as the case may be, (5) applies only where—

- (a) the fuel recovery process is conducted in equipment manufactured for this purpose;
- (b) the total quantity of waste (including waste produced by the fuel recovery process) stored at any one time does not exceed 23,000 litres;

- (c) no waste is stored for longer than 12 months;
- (d) waste produced by the fuel recovery process is stored at the place where it is produced;
- (e) accurate records (including information about sources, volumes and destinations) are maintained by the holder and processor of both the waste vegetable oil and the recovered fuel; and
- (f) the fuel recovery process is not carried out for commercial purposes on an industrial scale, and in any case no more than 200 tonnes of recovered fuel is produced by the fuel recovery process in any calendar year.

6.—(1) Burning waste oil listed in Table 1B (including waste oil which is special waste) as a fuel in an engine of an aircraft, hovercraft, mechanically propelled vehicle, railway locomotive, ship or other vessel if the total amount burned of such waste does not exceed 2,500 litres an hour in any one engine.

(2) The secure storage of waste oil (including waste oil which is special waste) intended to be so burned if the total quantity of oil stored does not at any time exceed 23,000 litres.

7.—(1) The treatment with any of the wastes listed in Table 2 of land used for agriculture where such treatment results in benefit to agriculture or ecological improvement.

(2) The treatment with any of the wastes listed in Part I of Table 2 of—

- (a) operational land of a railway, light railway, Scottish Water or British Waterways; or
- (b) land which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, churchyard or cemetery;

where the land in question is not used for agriculture and such treatment results in ecological improvement.

**Table 2**

| <i>Codes*</i>   | <i>Types of waste</i>                               |
|---|---|
| <i>PART I</i>   |   |
| <i>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>  |   |
| 02 01 03  | Plant-tissue waste                                  |
| <i>Wastes from sugar processing (02 04)</i>   |   |
| 02 04 01  | Soil from cleaning and washing beet                 |
| <i>Wastes from wood processing and the production of panels and furniture (03 01)</i>             |   |
| 03 01 01  | Waste bark and cork                                 |
| 03 01 05  | Sawdust shavings, cuttings, wood, particle board*** |
| <i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>                    |   |
| 03 03 01  | Waste bark and wood (including virgin pulp)         |
| <i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i> |   |
| 17 05 04  | Soil and stones**                                   |

\* Codes referred to in the European Waste Catalogue.

\*\* Wastes containing dangerous substances are not included.

\*\*\* The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.

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| <i>Codes*</i>  | <i>Types of waste</i>   |
|--|---|
| 17 05 06   | Dredging spoil***   |
| <i>Wastes from aerobic treatment of solid wastes (19 05)</i>   |   |
| 19 05 03   | Off-specification compost consisting only of biodegradable waste***   |
| <i>Garden and park wastes (including cemetery waste) (20 02)</i>   |   |
| 20 02 01   | Biodegradable waste   |
| 20 02 02   | Soil and stones   |
| <i>PART II</i>   |   |
| <i>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>         |   |
| 02 01 99   | Straw, wood or paper-based bedding waste, slurry or dirty water from stables, zoos, animal parks or livestock markets, animal faeces, urine and manure***   |
| <i>Wastes from the preparation and processing of meat, fish and other foods of animal origin (02 02)</i> |   |
| 02 02 03   | Materials unsuitable for consumption or processing consisting of blood and gut contents from abattoirs, poultry preparation plants or fish preparation plants; wash waters and sludges from abattoirs, poultry preparation plants or fish preparation plants; and shells from shellfish processing*** |
| 02 03  | Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation– all wastes under this category  |
| 02 04  | Wastes from sugar processing– all wastes under this category  |
| 02 05  | Wastes from production of dairy products***   |
| 02 06  | Wastes from the baking and confectionary industry – all wastes under this category  |
| 02 07  | Wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa)– all wastes under this category  |
| <i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>                           |   |
| 03 03 01   | Waste bark and wood (including virgin pulp)   |
| 03 03 09   | Lime mud waste  |

\* Codes referred to in the European Waste Catalogue.

\*\* Wastes containing dangerous substances are not included.

\*\*\* The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.

| <i>Codes*</i>  | <i>Types of waste</i>  |
|--|--|
| 03 03 11   | Sludges from on-site effluent treatment plants treating only virgin paper wastes which contain no inks <sup>***</sup>    |
| 03 03 99   | De-inked paper sludge from paper recycling, paper crumble derived from virgin pulp which contains no inks <sup>***</sup> |
| <i>Wastes from the leather and fur industry (04 01)</i>  |  |
| 04 01 07   | Sludges, in particular from on-site effluent treatment free of chromium  |
| <i>Wastes from the textile industry (04 02)</i>  |  |
| 04 02 10   | Organic matter from natural products (for example grease, wax)   |
| 04 02 15   | Wastes from finishing other than those containing organic solvents   |
| 04 02 20   | Sludges from on-site effluent treatment <sup>**</sup>  |
| 04 02 21   | Wastes from unprocessed textile fibres   |
| 04 02 22   | Wastes from processed textile fibres   |
| <i>Wastes from the manufacture, formulation, supply and use (MFSU) of acids (06 01)</i>  |  |
| 06 01 99   | Gypsum <sup>***</sup>  |
| <i>Wastes from the manufacture, formulation, supply and use of fine chemicals and chemical products not otherwise specified (07 07)</i>  |  |
| 07 07 12   | Sludges from on site effluent treatment other than those containing dangerous substances                                 |
| <i>Wastes from power stations and other combustion plants (except wastes from waste management facilities, off site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use) (10 01)</i> |  |
| 10 01 99   | Gypsum <sup>***</sup>  |
| <i>Wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>  |  |
| 10 13 04   | Gypsum <sup>***</sup>  |
| <i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>  |  |
| 17 05 06   | Dredging spoil <sup>***</sup>  |
| <i>Wastes from anaerobic treatment of waste (19 06)</i>  |  |
| 19 06 03   | Liquor from anaerobic treatment of municipal waste   |
| 19 06 04   | Digestate from anaerobic treatment of municipal waste  |

\* Codes referred to in the European Waste Catalogue.

\*\* Wastes containing dangerous substances are not included.

\*\*\* The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.



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| <i>Codes*</i>  | <i>Types of waste</i>  |
|--|--|
| 19 06 05   | Liquor from anaerobic treatment of animal and vegetable waste    |
| 19 06 06   | Digestate from anaerobic treatment of animal and vegetable waste |
| <i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>               |  |
| 19 09 02   | Sludges from water clarification                                 |
| * Codes referred to in the European Waste Catalogue.   |  |
| ** Wastes containing dangerous substances are not included.  |  |
| *** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to. |  |

(3) The secure storage, at the place where it is to be used, of not more than 1250 tonnes of waste intended to be used in reliance upon the exemption conferred by sub paragraph (1) or (2), provided that—

- (a) the waste is stored at a distance of not less than—
    - (i) 10 metres from any inland or coastal waters;
    - (ii) 50 metres from any well, borehole or similar work sunk into underground strata for the purpose of any water supply other than a domestic water supply; or
    - (iii) 250 metres from any well, borehole or similar work sunk into underground strata for the purpose of a domestic water supply; and
  - (b) no waste is stored to the extent that the volume stored exceeds ninety per cent of the available capacity of the container or lagoon where the storage takes place.
- (4) Sub paragraph (1) or (2) applies only if—
- (a) no more than 250 tonnes or, in the case of dredgings from inland waters, 5,000 tonnes of waste per hectare are used on the land in any period of 12 months;
  - (b) the land to be treated by the waste does not exceed 50 hectares;
  - (c) the waste to be used has not been mixed with any material which does not itself provide benefit to agriculture or ecological improvement; and
  - (d) in the case of materials within category 02 02 03 of the European Waste Catalogue, as listed in Part II of Table 2 above, the waste is treated in accordance with the Animal By-Products (Scotland) Regulations 2003<sup>(14)</sup> and Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption<sup>(15)</sup>.
- (5) In this paragraph “domestic water supply” means a supply of water—
- (a) for such domestic purposes as consist in or include, cooking, drinking, food preparation or washing; or
  - (b) for any of these domestic purposes to premises in which food is produced.

**8.—(1)** The storage in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place) of sludge which is intended to be used—

<sup>(14)</sup> S.S.I. 2003/411; amended by S.S.I. 2006/3, Schedule 7, paragraph 44.

<sup>(15)</sup> O.J. No. L 273, 10.10.2002, p.1; amended by Regulation (EC) No. 808/2003 (O.J. No. L 117, 13.05.2003, p.1); Regulation (EC) No. 668/2004 (O.J. No. L 112, 19.04.2004, p.1); Regulation (EC) No. 92/2005 (O.J. No. L 19, 21.01.2005, p.27); Regulation (EC) No. 93/2005 (O.J. No. L 19, 21.01.2001, p.34); Regulation (EC) No. 416/2005 (O.J. No. L 66, 12.03.2005, p.10); Regulation (EC) No. 181/2006 (O.J. No. L 29, 02.02.2006, p.31); Regulation (EC) No. 208/2006 (O.J. No. L 36, 08.02.2006, p.25).

- (a) in accordance with the 1989 Regulations; or
  - (b) for land treatment in reliance upon the exemption conferred by sub paragraph (2).
- (2) The treatment with sludge of land which is not agricultural land within the meaning of the 1989 Regulations if—
- (a) it results in ecological improvement, or in the case of the treatment of land used for non-food crops not grown in short term rotation with food crops, it enhances the growth of those crops; and
  - (b) it does not cause the concentration in the soil of any of the elements listed in column 1 of the soil table set out in Schedule 2 to the 1989 Regulations to exceed the limit specified in the corresponding entry in column 2 of the table.
- (3) Sub paragraph (1) applies only if the following conditions are satisfied:—
- (a) the sludge is stored at the place where it is to be used;
  - (b) the sludge is stored at a distance of not less than—
    - (i) 10 metres from any inland or coastal waters;
    - (ii) 50 metres from any well, borehole or similar work sunk into underground strata for the purpose of any water supply other than a domestic water supply; and
    - (iii) 250 metres from any well, borehole or similar work sunk into underground strata for the purpose of a domestic water supply;
  - (c) no sludge is stored to the extent that the volume stored exceeds ninety per cent of the available capacity of the container or lagoon where the storage takes place; and
  - (d) no sludge is stored for longer than 6 months.
- (4) For the purpose of this paragraph, enhancement of crop growth or ecological improvement shall be construed in accordance with Part 2 of Schedule 3A to, and any guidance issued under regulation 17(9) of, these Regulations.
- (5) In this paragraph—
- (a) “the 1989 Regulations” means the Sludge (Use in Agriculture) Regulations 1989<sup>(16)</sup> (“the 1989 Regulations”);
  - (b) “sludge” has the meaning given by regulation 2(1) of the 1989 Regulations, and “used”, in relation to sludge, has the meaning given by that regulation; and
  - (c) “domestic water supply” means a supply of water—
    - (i) for such domestic purposes as consist in or include, cooking, drinking, food preparation or washing; or
    - (ii) for any of these domestic purposes to premises in which food is produced.
- 9.—(1) Subject to the following provisions of this paragraph—
- (a) the treatment of land with any of the wastes listed in Part I of Table 2A;
  - (b) the treatment of land with any of the wastes listed in Part II of that Table where such treatment results in benefit to agriculture or ecological improvement;
  - (c) the secure storage, at the place where it is to be used and for a period not exceeding 6 months, of waste intended to be used in reliance upon the exemption conferred by paragraph (a) or (b).

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<sup>(16)</sup> S.I. 1989/1263; amended by S.I. 1990/880; S.I. 1996/593; S.I. 1996/973; S.S.I. 2000/62.

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**Table 2A**

| <i>Codes*</i>  | <i>Types of waste</i>  |
|--|--|
| <b>PART I</b>  |  |
| <i>Wastes from physical and chemical processing of non-metalliferous minerals (01 04)</i>  |  |
| 01 04 08   | Waste gravel and crushed rocks**   |
| 01 04 09   | Waste sand and clays   |
| <i>Wastes from sugar processing (02 04)</i>  |  |
| 02 04 01   | Soil from cleaning and washing beet  |
| <i>Wastes from power stations and other combustion plants (except wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use) (10 01)</i> |  |
| 10 01 01   | Pulverised fuel ash***   |
| <i>Wastes from manufacture of ceramic goods, bricks, tiles and construction products (10 12)</i>   |  |
| 10 12 08   | Waste ceramics, bricks, tiles and construction products (after thermal processing) |
| <i>Wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>  |  |
| 10 13 14   | Waste concrete and concrete sludge   |
| <i>Concrete, bricks, tiles and ceramics (17 01)</i>  |  |
| 17 01 01   | Concrete   |
| 17 01 02   | Bricks   |
| 17 01 03   | Tiles and ceramics   |
| 17 01 07   | Mixtures of concrete, bricks, tiles and ceramics**                                 |
| <i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>  |  |
| 17 05 08   | Track ballast**  |
| <i>Wastes arising from waste water treatment plants not otherwise specified (19 08)</i>  |  |
| 19 08 99   | Wastes not otherwise specified (specifically stone filter media)                   |
| <i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>   |  |
| 19 09 99   | Wastes not otherwise specified (specifically slow sand filter sand)                |
| * Codes referred to in the European Waste Catalogue.   |  |
| ** Wastes containing dangerous substances are not included.  |  |
| *** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.   |  |

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| <i>Codes*</i>  | <i>Types of waste</i>  |
|--|--|
| <i>Wastes from the mechanical treatment of waste (for example. sorting, crushing, compacting, pelletising) not otherwise specified (19 12)</i> |  |
| 19 12 09   | Minerals (for example sand, stones)  |
| <i>Wastes from soil and groundwater remediation (19 13)</i>  |  |
| 19 13 02   | Solid waste from soil remediation**  |
| <i>Garden and park wastes (including cemetery waste) (20 02)</i>   |  |
| 20 02 02   | Soil and stones  |
| PART II  |  |
| <i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>   |  |
| 03 03 05   | De-inked sludges from paper recycling  |
| 03 03 07   | De-inked paper pulp from paper recycling***  |
| 03 03 09   | Lime mud waste   |
| <i>Wastes from the manufacture, formulation, supply and use of fine chemicals and chemical products not otherwise specified (07 07)</i>        |  |
| 07 07 12   | Sludges from on site effluent treatment other than those containing dangerous substances |
| <i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>  |  |
| 17 05 04   | Soil and stones**  |
| 17 05 06   | Dredging spoil**   |
| <i>Wastes from aerobic treatment of solid wastes (19 05)</i>   |  |
| 19 05 03   | Off-specification compost consisting only of biodegradable waste***                      |
| <i>Wastes from waste water treatment plants not otherwise specified (19 08)</i>  |  |
| 19 08 05   | Sludges from treatment of urban waste water  |
| 19 08 99   | Wastes not otherwise specified (specifically stone filter media)                         |
| <i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>                                 |  |
| 19 09 02   | Sludges from water clarification   |
| 19 09 99   | Wastes not otherwise specified (specifically slow sand filter sand)                      |
| <i>Wastes from soil and groundwater remediation (19 13)</i>  |  |
| 19 13 04   | Sludges from soil remediation**  |
| * Codes referred to in the European Waste Catalogue.   |  |
| ** Wastes containing dangerous substances are not included.  |  |
| *** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.                   |  |

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(2) Sub paragraph (1) does not apply to the use of waste at a site designed or adapted for the final disposal of waste by landfill at any time when such disposal is the subject of a waste management licence or a permit granted under regulation 7 of the 2000 Regulations.

(3) Sub paragraph (1) applies only where—

- (a) the waste is used for the purpose of reclamation, restoration or improvement of land which has been subject to industrial or other man made development;
- (b) the waste is suitable for use for the purposes mentioned in sub paragraph (a);
- (c) the waste is used in accordance with the requisite planning permission (if any);
- (d) the waste is used to a depth not exceeding the lesser of 2 metres or the final cross sections shown on the plan submitted under regulation 18(8) of these Regulations; and
- (e) the waste used does not exceed 20,000 cubic metres per hectare.

**10.—**(1) Subject to sub paragraph (4)—

- (a) the reception and treatment within the curtilage of a water treatment works of any of the wastes listed in Table 3 if the total quantity of waste which is treated in any period of 12 months does not exceed 100,000 cubic metres; and
- (b) the secure storage within the curtilage of a water treatment works of waste intended to be treated in reliance on the exemption conferred by paragraph (a).

(2) Subject to the following provisions of this paragraph—

- (a) any recovery operation carried on within the curtilage of a sewage treatment works of any of the wastes listed in Table 3;
- (b) the secure storage within the curtilage of a sewage treatment works of waste intended to be submitted to the activity mentioned in paragraph (a).

**Table 3**

| <i>Codes*</i>  | <i>Types of waste</i>                                     |
|--|---|
| <i>Waste from waste water treatment plants not otherwise specified (19 08)</i>                                 |   |
| 19 08 01   | Screenings  |
| 19 08 05   | Sludges from treatment of urban waste water               |
| <i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i> |   |
| 19 09 02   | Sludges from water clarification                          |
| 19 09 03   | Sludges from decarbonation                                |
| 19 09 06   | Solutions and sludges from regeneration of ion exchangers |
| <i>Other municipal wastes (20 03)</i>  |   |
| 20 03 04   | Septic tank sludge  |
| 20 03 99   | Municipal waste not otherwise specified                   |

\* Codes referred to in the European Waste Catalogue.

(3) The total quantity of waste brought to a sewage treatment works for the purposes of a recovery operation in reliance upon the exemption covered by sub paragraph (2) in any period of 12 months shall not exceed 100,000 cubic metres.

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(4) The area where a treatment or recovery operation takes place shall have an impermeable pavement capable of containing any spillage of waste received and connected to a drainage system with impermeable components which does not leak and which will ensure that—

- (a) no liquid will run off the pavement otherwise than via that system; and
- (b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.

**11.** Carrying on at any place, in respect of waste of a kind listed in column 1 of Table 3A, any of the activities specified in column 2 of that Table in relation to that kind of waste where—

- (a) the activity is carried on with a view to the recovery or reuse of the waste (whether or not by the person carrying on the activity listed in column 2 of that Table); and
- (b) the total quantity of any particular kind of waste dealt with at that place does not in any period of 7 days exceed the limit specified in relation to that kind of waste in column 3 of that Table.

**Table 3A**

| <i>Kind of waste</i>                               | <i>Activities</i>   | <i>Maximum total quantity<br/>(tonnes per week)</i> |
|--|---|---|
| Waste paper or cardboard                           | Baling, sorting or shredding                                    | 3,000   |
| Waste textiles                                     | Baling, sorting or shredding                                    | 100   |
| Waste plastic                                      | Baling, sorting, shredding, densifying or washing               | 100   |
| Waste glass  | Sorting, crushing or washing                                    | 1,000   |
| Waste steel cans, aluminium cans or aluminium foil | Sorting, crushing, pulverising, shredding, compacting or baling | 100   |
| Waste food or drink cartons                        | Sorting, crushing, pulverising, shredding, compacting or baling | 100   |
| Waste tyres  | Baling, sorting or shredding                                    | 100   |

**12.—**(1) Subject to sub paragraphs (3) and (4)—

- (a) composting biodegradable waste of a type listed in Table 3B, other than for the purpose of cultivating mushrooms;
- (b) chipping, shredding, cutting, pulverising, screening or storing such waste for the purpose of composting at the place where the composting activity is, or is to be, carried out; and
- (c) screening any such waste which has been composted.

**Table 3B**

| <i>Codes*</i>  | <i>Types of waste</i> |
|--|-----------------------|
| <i>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i> |                       |

\* Codes referred to in the European Waste Catalogue.

\*\* Wastes containing dangerous substances are not included.

\*\*\* The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.

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| <i>Codes*</i>   | <i>Types of waste</i>  |
|---|--|
| 02 01 03  | Plant-tissue waste   |
| 02 01 06  | Animal faeces, urine and manure (including spoiled straw)***   |
| 02 01 07  | Wastes from forestry   |
| 02 01 99  | Straw, wood or paper – based bedding waste, slurry or dirty water from stables, zoos, animal parks or livestock markets*** |
| <i>Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation (02 03)</i> |  |
| 02 03 01  | Sludges from washing, cleaning, peeling, centrifuging and separation   |
| <i>Wastes from wood processing and the production of panels and furniture (03 01)</i>   |  |
| 03 01 01  | Waste bark and cork  |
| 03 01 05  | Sawdust, shavings, cuttings, wood**  |
| <i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>  |  |
| 03 03 01  | Waste bark and wood  |
| <i>Wastes from the textile industry (04 02)</i>   |  |
| 04 02 10  | Organic matter from natural products (e.g. grease, wax)  |
| <i>Packaging (including separately collected municipal packaging waste) (15 01)</i>   |  |
| 15 01 01  | Paper and cardboard packaging  |
| 15 01 03  | Wooden packaging   |
| 15 01 09  | Textile packaging  |
| <i>Wastes from aerobic treatment of solid wastes (19 05)</i>  |  |
| 19 05 03  | Off-specification compost consisting only of biodegradable waste***  |
| <i>Separately collected fractions of municipal wastes (household waste and similar commercial, industrial and institutional wastes) (20 01)</i>   |  |
| 20 01 01  | Paper and cardboard  |
| 20 01 08  | Meat excluded biodegradable kitchen and canteen waste***   |
| 20 01 10  | Clothes  |
| 20 01 11  | Textiles   |
| <i>Garden and park waste (including cemetery waste) (20 02)</i>   |  |

\* Codes referred to in the European Waste Catalogue.

\*\* Wastes containing dangerous substances are not included.

\*\*\* The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.



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| <i>Codes*</i>  | <i>Types of waste</i>           |
|--|---------------------------------|
| 20 02 01   | Biodegradable waste             |
| <i>Other municipal wastes (20 03)</i>  |                                 |
| 20 03 02   | Botanical waste from markets*** |
| * Codes referred to in the European Waste Catalogue.   |                                 |
| ** Wastes containing dangerous substances are not included.  |                                 |
| *** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to. |                                 |

(2) Composting any of the wastes listed in the first column of Table 3B for the purpose of cultivating mushrooms at the place where the waste is produced or where the compost is to be used, or at any other place occupied by the person producing the waste or using the compost, where the quantity of waste being composted at any one time does not exceed 2,500 tonnes.

(3) The total quantity of waste treated and stored under sub-paragraph (1) at any time shall not exceed, in relation to the composting activities referred to in the second column of Table 3C, the quantity shown in the third column of that Table.

**Table 3C**

| <i>Code and type of waste (as referred to in Table 3B)*</i>  | <i>Composting activity</i>   | <i>Maximum total quantity (including storage and treatment)</i> |
|--|--|---|
| <i>Plant tissue waste 02 01 03</i>   | Open air windrow composting without containment** and without any impermeable pavement or sealed drainage  | 400 Tonnes  |
| <i>Wastes from forestry 02 01 07</i>   |  |   |
| <i>Waste bark and cork 03 01 01</i>  |  |   |
| <i>Biodegradable waste from gardens and park wastes (including cemetery waste 20 02 01)</i>  |  |   |
| <i>All above wastes namely 02 01 03, 02 01 07, 03 01 01, 20 02 01 plus 02 01 06, 15 01 01, 15 01 09, 20 01 10 and 20 01 11</i>   | Open air windrow composting without containment** on an impermeable pavement with sealed drainage  | 400 Tonnes  |
| <i>Any type of waste referred to in Table 3B</i>   | Composting with containment** of waste   | 400 Tonnes  |
| <i>Plant tissue waste 02 01 03</i>   | Open air windrow composting by a farm business of wastes arising within that business as defined for the purposes of the Integrated Administration and Control System for farm support without containment** and without any impermeable pavement or sealed drainage | 1,000 Tonnes  |
| <i>Wastes from forestry 02 01 07</i>   |  |   |
| <i>Waste bark and cork 03 01 01</i>  |  |   |
| <i>Biodegradable waste from gardens and park wastes (including cemetery waste) 20 02 01</i>  |  |   |
| * Codes referred to in the European Waste Catalogue.   |  |   |
| ** Containment in this context means composting in a vessel, in a sealed building or by some other process equally effective to produce a wholly contained and controlled environment. |  |   |

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| <i>Code and type of waste (as referred to in Table 3B)*</i>  | <i>Composting activity</i>   | <i>Maximum total quantity (including storage and treatment)</i> |
|--|--|---|
| <i>All above wastes namely 02 01 03, 02 01 07, 03 01 01, 20 02 01 plus 02 01 06, 15 01 01, 15 01 09, 20 01 10 and 20 01 11</i> | Open air composting by a farm business of wastes arising within that business as defined for the purposes of the Integrated Administration and Control System for farm support without containment** on an impermeable pavement with sealed drainage | 1,000 Tonnes  |
| <i>Any type of waste referred to in Table 3B</i>   | Composting by a farm business of wastes arising within that business as defined for the purposes of the Integrated Administration and Control System for farm support with containment** of waste  | 1,000 Tonnes  |

\* Codes referred to in the European Waste Catalogue.

\*\* Containment in this context means composting in a vessel, in a sealed building or by some other process equally effective to produce a wholly contained and controlled environment.

(4) The secure storage of biodegradable waste which is to be composted in reliance upon the exemption conferred by sub paragraph (1) at a place other than the place where such composting is or is to be carried out where—

- (a) the waste is stored for a period not exceeding 48 hours and is to be taken directly from the storage site to that place;
- (b) such storage is part of a scheme for the collection of waste from groups of premises; and
- (c) the total quantity of waste so stored does not exceed 10 tonnes.

(5) For the purposes of this paragraph—

- (a) “composting” means the autothermic and thermophilic biological decomposition and stabilisation of biodegradable waste under controlled aerobic conditions that result in a stable sanitised material that can be applied to land for the benefit of agriculture, horticulture or ecological improvement; and
- (b) the reference to “treated” waste includes waste which is undergoing maturation.

**13.—(1)** The manufacture from—

- (a) waste which arises from demolition or construction work or tunnelling or other excavations; or
- (b) waste which consists of ash, slag, clinker, rock, wood, bark, paper, straw, crushed glass or gypsum,

of timber products, straw board, plasterboard, bricks, blocks, roadstone, soil, soil substitutes or aggregate.

(2) The treatment of waste soil or rock which, when treated, is to be spread on land under paragraph 7 or 9, if—

- (a) it is carried out at the place where the waste is produced or the treated product is to be spread; and
- (b) the total amount treated at that place in any day does not exceed 100 tonnes.

(3) The storage of waste which is to be submitted to any of the activities mentioned in sub paragraphs (1) and (2) if–

- (a) the waste is stored at the place where the activity is to be carried out; and
- (b) the total quantity of waste stored at that place at any time does not exceed–
  - (i) in the case of the manufacture of roadstone from road planings, 50,000 tonnes; or
  - (ii) in any other case, 20,000 tonnes.

**14.—**(1) The manufacture of finished goods from any of the following kinds of waste, namely waste metal, plastic, glass, ceramics, rubber, textiles, wood, paper or cardboard.

(2) The repair or refurbishment of waste goods if the activity is carried on with a view to the reuse of those goods for their original purpose.

(3) The storage of any waste intended to be used in reliance upon the exemption conferred by sub paragraph (1), or, as the case may be, (2), if–

- (a) the waste is stored at the place where the manufacturing, repairing or refurbishment activity is to be carried out; and
- (b) the total quantity of any particular kind of waste listed in sub-paragraph (1) stored at that place at any time does not exceed 15,000 tonnes.

**15.—**(1) The beneficial use of waste if–

- (a) it is put to that use without further treatment; and
- (b) that use of the waste does not involve its disposal.

(2) The storage of waste intended to be used in reliance upon the exemption conferred by sub paragraph (1) above insofar as that storage does not amount to disposal of the waste.

(3) This paragraph does not apply to the use or storage of waste if that activity is covered by an exemption conferred by paragraph 7, 8, 9, 19 or 25, or would be so covered but for any condition or limitation to which that exemption is subject by virtue of any provision contained in the paragraph by which that exemption is conferred.

**16.—**(1) The use of compacted and securely baled tyres in engineering works.

(2) The storage of compacted and securely baled tyres for use in such works, where–

- (a) the baled tyres are intended for an identifiable project; and
- (b) the amount of baled tyres stored at any time is less than that required to complete that project.

**17.—**(1) The storage in a secure place on any premises of waste of a kind described in column 1 of Table 4 if–

- (a) the total quantity of that kind of waste stored on those premises at any time does not exceed the quantity specified in column 2 of that Table in relation to that kind of waste;
- (b) the waste is to be reused, or used for the purposes of–
  - (i) an activity described in paragraph 11; or
  - (ii) any other recovery operation;
- (c) each kind of waste listed in the Table stored on the premises is kept separately; and
- (d) no waste is stored on the premises for longer than 12 months.

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**Table 4**

| <i>Kind of waste</i>   | <i>Maximum total quantity</i> |
|--|-------------------------------|
| Waste paper or cardboard   | 15,000 tonnes                 |
| Waste textiles   | 1,000 tonnes                  |
| Waste plastics   | 500 tonnes                    |
| Waste glass  | 5,000 tonnes                  |
| Waste steel cans, aluminium cans or aluminium foil   | 500 tonnes                    |
| Waste food or drink cartons  | 500 tonnes                    |
| Waste articles which are to be used for construction work which are capable of being so used in their existing state | 100 tonnes                    |
| Solvents within Codes* 14 06 02**, 14 06 03** and 20 01 13**   | 5 cubic metres                |
| Batteries within Codes* 20 01 33** and 20 01 34  | 5 cubic metres                |
| Refrigerants and halons within Code* 14 06 01** (chlorofluorocarbons, HCFC and HFC)                                  | 18 tonnes                     |
| Tyres  | 1,000 tyres                   |
| Waste mammalian protein  | 60,000 tonnes                 |
| Waste mammalian tallow   | 45,000 tonnes                 |

\* Codes referred to in the European Waste Catalogue.

\*\* Includes special waste.

(2) In this paragraph–

“mammalian protein” means proteinaceous material, and

“mammalian tallow” means fat, which in each case is derived from the whole or part of any dead mammal by a process of crushing, cooking or grinding.

**18.—**(1) The secure storage on any premises of waste of a kind described in sub paragraph (2) below if–

- (a) the storage capacity of the container or containers does not exceed 400 cubic metres in total;
- (b) in the case of waste oil or waste vegetable oil listed in Table 4A, the storage capacity of any container or containers used for its storage does not exceed 3 cubic metres in total, and provision is made to prevent oil escaping into the ground or a drain;
- (c) there are no more than 20 containers on those premises;
- (d) the waste will be reused, or used for the purposes of–
  - (i) any activity described in paragraph 11 carried on at those premises; or
  - (ii) any other recovery activity;

- (e) each kind of waste described in sub paragraph (2) stored on the premises is separately stored;
  - (f) no waste is stored on the premises for longer than 12 months; and
  - (g) the person storing the waste is the owner of the container or containers or has the consent of the owner of the container or containers to use them for that purpose.
- (2) Sub paragraph (1) above applies to the following kinds of waste—
- (a) any waste described in paragraph 17 other than waste solvents (within categories 14 06 02, 14 06 03 and 20 01 13 of the European Waste Catalogue), refrigerants or halons;
  - (b) waste oil or waste vegetable oil listed in Table 4A (including oil which is special waste).

**Table 4A**

| <i>Codes*</i>  | <i>Types of waste</i>   |
|--|---|
| <i>Waste hydraulic oils (13 01)</i>                        |   |
| 13 01 09**   | Mineral-based chlorinated hydraulic oils  |
| 13 01 10**   | Mineral based non-chlorinated hydraulic oils  |
| 13 01 11**   | Synthetic hydraulic oils  |
| 13 01 12**   | Readily biodegradable hydraulic oils  |
| 13 01 13**   | Other hydraulic oils  |
| <i>Waste engine, gear and lubricating oils (13 02)</i>     |   |
| 13 02 04**   | Mineral-based chlorinated engine, gear and lubricating oils   |
| 13 02 05**   | Mineral-based non-chlorinated engine, gear and lubricating oils   |
| 13 02 06**   | Synthetic engine, gear and lubricating oils   |
| 13 02 07**   | Readily biodegradable engine, gear and lubricating oils   |
| 13 02 08**   | Other engine, gear and lubricating oils   |
| <i>Waste insulating and heat transmission oils (13 03)</i> |   |
| 13 03 06**   | Mineral-based chlorinated insulating and heat transmission oils other than those mentioned in 13 03 01 (insulating or heat transmission oils containing PCBs) |
| 13 03 07**   | Mineral-based non-chlorinated insulating and heat transmission oils   |
| 13 03 08**   | Synthetic insulating and heat transmission oils   |
| 13 03 09**   | Readily biodegradable insulating and heat transmission oils   |
| * Codes referred to in the European Waste Catalogue.       |   |
| ** Includes special waste.                                 |   |

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| <i>Codes*</i>  | <i>Types of waste</i>                       |
|--|---|
| 13 03 10**   | Other insulating and heat transmission oils |
| <i>Bilge oils (13 04)</i>                                    |   |
| 13 04 01**   | Bilge oils from inland navigation           |
| 13 04 02**   | Bilge oils from jetty sewers                |
| 13 04 03**   | Bilge oils from other navigation            |
| <i>Waste of liquid fuels (13 07)</i>                         |   |
| 13 07 01**   | Fuel oil and diesel                         |
| 13 07 02**   | Petrol                                      |
| 13 07 03**   | Other fuels (including mixtures)            |
| <i>Separately collected fractions (except 15 01) (20 01)</i> |   |
| 20 01 25   | Edible oil and fat                          |
| * Codes referred to in the European Waste Catalogue.         |   |
| ** Includes special waste.                                   |   |

- 19.—**(1) The storage on a site of any of the wastes listed in Table 4B, if—
- (a) the waste in question is suitable for use for the purposes of relevant work which will be carried on at the site;
  - (b) in the case of waste which is not produced on the site, it is not stored there for longer than 6 months; and
  - (c) no more than 50,000 tonnes of the waste is stored on the site at any time.

**Table 4B**

| <i>Codes*</i>   | <i>Types of waste</i>               |
|---|-------------------------------------|
| <i>Wastes from physical and chemical processing of non-metalliferous minerals (01 04)</i>   |                                     |
| 01 04 08  | Waste gravel and crushed rocks**    |
| 01 04 09  | Waste sand and clays                |
| <i>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>  |                                     |
| 02 01 99  | Clean shells***                     |
| <i>Wastes from sugar processing (02 04)</i>   |                                     |
| 02 04 01  | Soil from cleaning and washing beet |
| <i>Wastes from power stations and other combustion plants (except wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use ) (10 01)</i> |                                     |
| 10 01 01  | Pulverised fuel ash***              |
| * Codes referred to in the European Waste Catalogue.  |                                     |
| ** Wastes containing dangerous substances are not included.   |                                     |
| *** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.  |                                     |

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| <i>Codes*</i>   | <i>Types of waste</i>  |
|---|--|
| 10 01 99  | Gypsum <sup>***</sup>  |
| <i>Wastes from the iron and steel industry (10 02)</i>  |  |
| 10 02 02  | Unprocessed slag   |
| <i>Wastes from casting of ferrous pieces (10 09)</i>  |  |
| 10 09 03  | Furnace slag   |
| <i>Waste from casting of non ferrous pieces (10 10)</i>   |  |
| 10 10 03  | Furnace slag   |
| <i>Wastes from manufacture of ceramic goods, bricks, tiles and construction products (10 12)</i>  |  |
| 10 12 08  | Waste ceramics, bricks, tiles and construction products (after thermal processing) |
| <i>Wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>   |  |
| 10 13 14  | Waste concrete and concrete sludge   |
| <i>End-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08) (16 01)</i> |  |
| 16 01 03  | End-of-life tyres  |
| <i>Concrete, bricks, tiles and ceramics (17 01)</i>   |  |
| 17 01 01  | Concrete   |
| 17 01 02  | Bricks   |
| 17 01 03  | Tiles and ceramics   |
| 17 01 07  | Mixtures of concrete, bricks, tiles and ceramics <sup>**</sup>                     |
| <i>Bituminous mixtures, coal tar and tarred products (17 03)</i>  |  |
| 17 03 02  | Road base and road planings <sup>***</sup>   |
| <i>Soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>   |  |
| 17 05 04  | Soil and stones <sup>***</sup>   |
| 17 05 06  | Dredging spoil <sup>**</sup>   |
| 17 05 08  | Track ballast <sup>**</sup>  |
| <i>Wastes from incineration or pyrolysis of waste (19 01)</i>   |  |
| 19 01 12  | Bottom ash and slag <sup>**</sup>  |
| <i>Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising not otherwise specified) (19 12)</i>   |  |

\* Codes referred to in the European Waste Catalogue.

\*\* Wastes containing dangerous substances are not included.

\*\*\* The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.



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| <i>Codes*</i>  | <i>Types of waste</i>               |
|--|-------------------------------------|
| 19 12 09   | Minerals (for example sand, stones) |
| <i>Wastes from soil and groundwater remediation (19 13)</i>  |                                     |
| 19 13 02   | Solid waste from soil remediation** |
| <i>Garden and park wastes (including cemetery waste) (20 02)</i>   |                                     |
| 20 02 02   | Soil and stones                     |
| * Codes referred to in the European Waste Catalogue.   |                                     |
| ** Wastes containing dangerous substances are not included.  |                                     |
| *** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to. |                                     |

(2) The use of waste of a kind mentioned in paragraph (1) for the purposes of relevant work if–

- (a) the waste is suitable for use for those purposes;
- (b) the waste is used to a depth not exceeding the dimensions of the final cross sections shown on the plan submitted under regulation 18(8) of these Regulations; and
- (c) in the case of clean shells (within category 02 01 99 of the European Waste Catalogue), the shells from shellfish processing are treated in accordance with the Animal By Products (Scotland) Regulations 2003(17) and Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by products not intended for human consumption(18).

(3) In this paragraph, “relevant work” means the use of waste–

- (a) for the construction, maintenance or improvement of–
  - (i) a building, road, railway, airport, dock or other transport facility;
  - (ii) recreational facilities; or
  - (iii) drainage; or
- (b) for engineering works relating to or adjacent to any part of the water environment,

but does not include work involving land reclamation.

(4) In sub paragraph 3(a), the reference to “drainage” is a reference to drainage works within the meaning of the Land Drainage (Scotland) Act 1958(19).

**20.**—(1) Laundering or otherwise cleaning waste textiles with a view to their recovery or reuse.

(2) The storage of waste textiles at the place where they are to be so laundered or cleaned.

**21.**—(1) Chipping, shredding, cutting or pulverising waste plant matter (including wood or bark), or sorting and baling sawdust or wood shavings, on any premises if–

- (a) those activities are carried on for the purposes of recovery or reuse; and
- (b) no more than 1,000 tonnes of such waste are dealt with on those premises in any period of 7 days.

(17) S.S.I. 2003/411; amended by S.S.I. 2006/3, Schedule 7, paragraph 44.

(18) O.J. No. L 273, 10.10.2002, p.1; amended by Regulation (EC) No. 808/2003 (O.J. No. L 117, 13.05.2003, p.1); Regulation (EC) No. 668/2004 (O.J. No. L 112, 19.04.2004, p.1); Regulation (EC) No. 92/2005 (O.J. No. L 19, 21.01.2005, p.27); Regulation (EC) No. 93/2005 (O.J. No. L 19, 21.01.2001, p.34); Regulation (EC) No. 416/2005 (O.J. No. L 66, 12.03.2005, p.10); Regulation (EC) No. 181/2006 (O.J. No. L 29, 02.02.2006, p.31); Regulation (EC) No. 208/2006 (O.J. No. L 36, 08.02.2006, p.25).

(19) 1958 c. 24.

(2) The storage of waste in connection with any activity mentioned in sub paragraph (1) at the premises where it is carried on if the total quantity of waste stored at those premises at any time does not exceed 1,000 tonnes.

**22.—**(1) The recovery at any premises of silver from waste produced in connection with printing or photographic processing if no more than 50,000 litres of such waste are dealt with on those premises in any day.

(2) The storage at those premises of waste which is to be submitted to such a recovery operation as is mentioned in sub paragraph (1).

**23.—**(1) The recovery of waste consisting of animal by-products at a collection centre in accordance with an authorisation under regulation 27 of the Animal By Products (Scotland) Regulations 2003<sup>(20)</sup> (“the 2003 Regulations”) if the total quantity of waste being recovered at that collection centre at any time does not exceed 50 tonnes.

(2) The secure storage of waste intended to be submitted to such treatment if no waste is stored for longer than 12 months.

(3) In this paragraph, “animal by-products” and “collection centre” have the same meaning as in the Community Regulation as defined in regulation 2(1) of the 2003 Regulations.

**24.—**(1) Crushing, grinding or other size reduction of waste bricks, tiles or concrete, under an authorisation granted under Part I of the 1990 Act, to the extent that it is or forms part of a process within paragraph (c) of Part B of Section 3.4 (other mineral processes) of Schedule 1 to the 1991 Regulations or under a permit under the 2000 Regulations, to the extent that it is or forms part of an activity within paragraph (a) of Part B of Section 3.5 (other mineral activities) of Part 1 of Schedule 1 to the 2000 Regulations.

(2) Where any such crushing, grinding or other size reduction is carried on otherwise than at the place where the waste is produced, the exemption conferred by sub paragraph (1) only applies if those activities are carried on with a view to recovery or reuse of the waste.

(3) The storage, at the place where the process is carried on or the activity is carried out, of any such waste which is intended to be so crushed, ground or otherwise reduced in size, if the total quantity of such waste so stored at that place does not at any time exceed 20,000 tonnes.

**25.—**(1) The deposit of waste arising from dredging inland waters or public SUD systems, or from clearing plant matter from inland waters or public SUD systems, if either—

(a) the waste is deposited along the bank or towpath of the waters, or on land adjacent to the public SUD system, where the dredging or clearing takes place; or

(b) the waste is deposited along the bank or towpath of any inland waters, or on land adjacent to a public SUD system, so as to result in benefit to agriculture or ecological improvement.

(2) The total amount of waste deposited along the bank or towpath, or on land adjacent to the public SUD system, under sub paragraph (1) must not at any time exceed 50 tonnes for each metre of the bank, towpath or land along or on which it is deposited.

(3) Sub paragraph (1) does not apply to waste deposited in a container or lagoon.

(4) Sub paragraph (1)(a) only applies to the deposit of waste by an establishment or undertaking where the waste deposited is the establishment or undertaking’s own waste.

(5) The treatment by screening or dewatering of such waste as is mentioned in sub paragraph (1)—

(a) on the bank or towpath of the waters, or on land adjacent to the public SUD system, where either the dredging or clearing takes place or the waste is to be deposited, prior to its being

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<sup>(20)</sup> S.S.I. 2003/411; amended by S.S.I. 2006/3, Schedule 7, paragraph 44.

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deposited in reliance upon the exemption conferred by the foregoing provisions of this paragraph;

- (b) on the bank or towpath of the waters, or on land adjacent to the public SUD system, where the dredging or clearing takes place, or at a place where the waste is to be spread, prior to its being spread in reliance upon the exemption conferred by paragraph 7(1) or (2); or
- (c) in the case of waste from dredging, on the bank or towpath of the waters, or on land adjacent to the public SUD system, where the dredging takes place, or at a place where the waste is to be spread, prior to its being spread in reliance upon the exemption conferred by paragraph 9(1).

(6) In this paragraph, “public SUD system” has the same meaning as in section 59(1) of the Sewage (Scotland) Act 1968(21).

**26.—**(1) The recovery or disposal of waste, at the place where it is produced, as an integral part of the process that produces it.

(2) The storage, at the place where it is produced, of waste which is intended to be so recovered or disposed of.

(3) Sub paragraph (1) does not apply to the final disposal of waste by deposit in or on land.

**27.—**(1) Baling, compacting, crushing, shredding or pulverising waste at the place where it is produced.

(2) The storage, at the place where it is produced, of waste which is to be submitted to any of those operations.

**28.** The use of autoclaves to sterilise waste, including special waste, as listed in Table 4C, at the place where the waste is produced, if—

- (a) the autoclaves have a capacity of no more than 3 cubic metres,
- (b) the autoclaves are accredited by the Medicine and Healthcare Products Regulatory Agency,
- (c) no more than 100 tonnes of waste is so sterilised at any one place in any one calendar month, and
- (d) where the waste is special waste, it is so sterilised as part of, or as a preliminary to, a recovery operation.

**Table 4C**

| <i>Codes*</i>  | <i>Types of waste</i>  |
|--|--|
| <i>Wastes from natal care, diagnosis, treatment or prevention of disease in humans (18 01)</i> |  |
| 18 01 01   | Sharps (except 18 01 03)   |
| 18 01 02   | Body parts and organs including blood bags and blood preserves (except 18 01 03) |
| * Codes referred to in the European Waste Catalogue.   |  |
| ** Includes special waste.   |  |

(21) 1968, c. 47. The definitions of “public SUD system” was inserted into section 59(1) by section 33(1) of the [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#).

| <i>Codes*</i>  | <i>Types of waste</i>  |
|--|--|
| 18 01 03**   | Wastes whose collection and disposal is subject to special requirements in order to prevent infection  |
| 18 01 04   | Wastes whose collection and disposal is not subject to special requirements in order to prevent infection (for example, dressings, plaster casts, linen, disposable clothing, diapers) |
| 18 01 06**   | Chemicals consisting of or containing dangerous substances   |
| 18 01 07   | Chemicals other than those mentioned in 18 01 06   |
| 18 01 08**   | Cytotoxic and cytostatic medicines   |
| 18 01 09   | Medicines other than those mentioned in 18 01 08   |
| 18 01 10**   | Amalgam waste from dental care   |
| * Codes referred to in the European Waste Catalogue. |  |
| ** Includes special waste.                           |  |

**29.**—(1) The disposal of waste at the place where it is produced, by the person producing it, by burning it in an incinerator—

- (a) which is an exempt incinerator for the purposes of Section 5.1 (incineration) of Schedule 1 to the 1991 Regulations, or which is an excluded plant for the purposes of Section 5.1 of Part 1 of Schedule 1 to the 2000 Regulations with a capacity of less than 50 kg per hour; or
  - (b) which is not an incineration plant, a co-incineration plant or an excluded plant for the purposes of Section 5.1 of Part 1 of Schedule 1 to the 2000 Regulations.
- (2) The secure storage at that place of any such waste intended to be submitted to such burning.

**30.**—(1) Burning waste on land in the open if—

- (a) the waste consists of plant tissue;
- (b) it is agricultural waste or it is produced on land which is operational land of a railway, light railway, tramway, British Waterways, or which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, bank of an inland waterway, churchyard or cemetery, or it is produced on other land as a result of demolition work;
- (c) it is burned on the land where it is produced; and
- (d) the total quantity burned in any period of 24 hours does not exceed 10 tonnes.

(2) Sub paragraph (1) only applies to the burning of waste by an establishment or undertaking where the waste burned is the establishment or undertaking's own waste.

(3) The storage pending its burning, on the land where it is to be burned, of waste which is to be burned in reliance upon the exemption conferred by sub paragraph (1).

(4) The treatment of land for the benefit of agriculture or ecological improvement by incorporation into soil of ash from waste which is burned on that land in reliance upon the exemption conferred by sub paragraph (1).

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**31.** The discharge of waste onto the track of a railway from a sanitary convenience or sink forming part of a vehicle used for the carriage of passengers on the railway, if the discharge in question does not exceed 25 litres.

**32.** The burial on premises of waste arising from the use on those premises of a sanitary convenience which is equipped with a removable receptacle if the total amount buried in any period of 12 months does not exceed 5 cubic metres.

**33.—(1)** The keeping or deposit of waste consisting of excavated materials arising from peatworking at the place where that activity takes place.

(2) Sub paragraph (1) only applies to the keeping or deposit of waste by an establishment or undertaking where the waste kept or deposited is the establishment or undertaking's own waste.

**34.—(1)** The keeping or deposit on land at the place where it is produced of spent ballast if the land is operational land of a railway, light railway or tramway and the total amount kept or deposited at that place does not exceed 10 tonnes for each metre of track from which the ballast derives.

(2) Sub paragraph (1) only applies to the keeping or deposit of waste by an establishment or undertaking where the waste kept or deposited is the establishment or undertaking's own waste.

**35.—(1)** The deposit of waste consisting of excavated material from a borehole or other excavation made for the purpose of mineral exploration if—

- (a) it is deposited in or on land at the place where it is excavated; and
- (b) the total quantity of waste so deposited during any period of 24 months does not exceed 45,000 cubic metres per hectare.

(2) Sub paragraph (1) only applies if—

- (a) the drilling of the borehole or the making of any other excavation is development which is permitted by Class 53 or 54 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992<sup>(22)</sup>; and
- (b) the conditions subject to which the development is permitted are observed.

(3) Expressions used in this paragraph which are also used in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 shall have the same meaning as in that Order.

**36.—(1)** The temporary secure storage of waste to which sub-paragraphs (2) and (3) apply, at waste reception facilities provided within a harbour area in accordance with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003<sup>(23)</sup> ("the 2003 Regulations"), where such storage is incidental to the collection or transport of the waste.

(2) This paragraph applies to waste other than tank washings (including such special waste as is listed in Table 4D), but only if—

- (a) the amount of waste so stored within a harbour area at any time does not exceed 20 cubic metres for each ship from which waste has been landed; and
- (b) no waste is so stored for more than seven days.

(3) This paragraph applies to waste which consists of tank washings (including such special waste as is listed in Table 4E), but only if—

<sup>(22)</sup> S.I. 1992/223. Class 54 was amended by S.I. 1994/1442, article 2(b).

<sup>(23)</sup> S.I. 2003/1809.

- (a) the amount of tank washings consisting of dirty ballast so stored within a harbour area at any time does not exceed 30% of the total deadweight of the ships from which such washings have been landed; and
- (b) the amount of tank washings consisting of waste mixtures containing oil so stored within a harbour area at any time does not exceed 1% of the total deadweight of the ships from which such washings have been landed.
- (4) In this paragraph—
- “harbour area” has the same meaning as in the Dangerous Substances in Harbour Areas Regulations 1987<sup>(24)</sup>;
- “ship” has the same meaning as in the 2003 Regulations;
- “tank washings” means waste residues from the tanks (other than the fuel tanks) or holds of a ship or waste arising from the cleaning of such tanks or holds.

**Table 4D**

| <i>Codes*</i>  | <i>Types of waste</i>   |
|--|---|
| <i>Absorbents, filter materials, wiping cloths and protective clothing (15 02)</i> |   |
| 15 02 02**   | Absorbents, filter materials (including oil filters not otherwise specified), wiping cloths, protective clothing contaminated by dangerous substances |
| <i>Wastes from electrical and electronic equipment (16 02)</i>                     |   |
| 16 02 09**   | Transformers and capacitors containing PCBs   |
| 16 02 10**   | Discarded equipment containing or contaminated by PCBs other than those mentioned in 16 02 09   |
| 16 02 11**   | Discarded equipment containing chlorofluorocarbons, HCFC, HFC   |
| 16 02 12**   | Discarded equipment containing free asbestos  |
| 16 02 13**   | Discarded equipment containing hazardous components other than those mentioned in 16 02 09 to 16 02 12  |
| 16 02 15**   | Hazardous components removed from discarded equipment   |
| <i>Waste explosives (16 04)</i>  |   |
| 16 04 03**   | Other waste explosives  |
| <i>Gases in pressure containers and discarded chemicals (16 05)</i>                |   |
| 16 05 04**   | Gases in pressure containers (including halons) containing dangerous substances)  |
| <i>Batteries and accumulators (16 06)</i>  |   |
| * Codes referred to in the European Waste Catalogue.                               |   |
| ** Includes special waste.   |   |

(24) S.I. 1987/37.

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| <i>Codes*</i>  | <i>Types of waste</i>  |
|--|--|
| 16 06 01**   | Lead batteries   |
| 16 06 02**   | Ni-Cd batteries  |
| 16 06 03**   | Mercury-containing batteries   |
| 16 06 06**   | Separately collected electrolyte from batteries and accumulators   |
| <i>Wastes from natal care, diagnosis, treatment or prevention of disease in humans (18 01)</i> |  |
| 18 01 03**   | Wastes whose collection and disposal is subject to special requirements in order to prevent infection                                    |
| 18 01 06**   | Chemicals consisting of or containing dangerous substances   |
| 18 01 08**   | Cytotoxic and cytostatic medicines   |
| <i>Separately collected fractions (except 15 01) (20 01)</i>                                   |  |
| 20 01 13**   | Solvents   |
| 20 01 21**   | Fluorescent tubes and other mercury-containing waste   |
| 20 01 23**   | Discarded equipment containing chlorofluorocarbons   |
| 20 01 26**   | Oil and fat other than those mentioned in 20 01 25   |
| 20 01 27**   | Paint, inks, adhesives and resins containing dangerous substances  |
| 20 01 29**   | Detergents containing dangerous substances   |
| 20 01 31**   | Cytotoxic and cytostatic medicines   |
| 20 01 33**   | Batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these batteries |
| 20 01 35**   | Discarded electrical and electronic equipment other than those mentioned in 20 01 12 and 20 01 23 containing hazardous components        |
| 20 01 37**   | Wood containing dangerous substances   |
| * Codes referred to in the European Waste Catalogue.   |  |
| ** Includes special waste.   |  |

**Table 4E**

| <i>Codes*</i>  | <i>Types of waste</i> |
|--|-----------------------|
| <i>Waste hydraulic oils (13 01)</i>                  |                       |
| * Codes referred to in the European Waste Catalogue. |                       |
| ** Includes special waste.                           |                       |

| <i>Codes*</i>  | <i>Types of waste</i>   |
|--|---|
| 13 01 09**   | Mineral-based chlorinated hydraulic oils  |
| 13 01 10**   | Mineral based non-chlorinated hydraulic oils  |
| 13 01 11**   | Synthetic hydraulic oils  |
| 13 01 12**   | Readily biodegradable hydraulic oils  |
| 13 01 13**   | Other hydraulic oils  |
| <i>Waste engine, gear and lubricating oils (13 02)</i>     |   |
| 13 02 04**   | Mineral-based chlorinated engine, gear and lubricating oils   |
| 13 02 05**   | Mineral-based non-chlorinated engine, gear and lubricating oils   |
| 13 02 06**   | Synthetic engine, gear and lubricating oils   |
| 13 02 07**   | Readily biodegradable engine, gear and lubricating oils   |
| 13 02 08**   | Other engine, gear and lubricating oils   |
| <i>Waste insulating and heat transmission oils (13 03)</i> |   |
| 13 03 06**   | Mineral-based chlorinated insulating and heat transmission oils other than those mentioned in 13 03 01 (insulating or heat transmission oils containing PCBs) |
| 13 03 07**   | Mineral-based non-chlorinated insulating and heat transmission oils   |
| 13 03 08**   | Synthetic insulating and heat transmission oils   |
| 13 03 09**   | Readily biodegradable insulating and heat transmission oils   |
| 13 03 10**   | Other insulating and heat transmission oils   |
| <i>Bilge oils (13 04)</i>                                  |   |
| 13 04 01**   | Bilge oils from inland navigation   |
| 13 04 02**   | Bilge oils from jetty sewers  |
| 13 04 03**   | Bilge oils from other navigation  |
| <i>Waste of liquid fuels (13 07)</i>                       |   |
| 13 07 01**   | Fuel oil and diesel   |
| 13 07 02**   | Petrol  |
| 13 07 03**   | Other fuels (including mixtures)  |
| <i>Oil wastes not otherwise specified (13 08)</i>          |   |

\* Codes referred to in the European Waste Catalogue.

\*\* Includes special waste.



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| <i>Codes*</i>  | <i>Types of waste</i>                                 |
|--|---|
| 13 08 01**   | Desalter sludges or emulsions                         |
| 13 08 02**   | Other emulsions                                       |
| 13 08 99**   | Wastes not otherwise specified                        |
| <i>Wastes from transport tank, storage tank and barrel cleaning (except 05 and 13) (16 07)</i> |   |
| 16 07 08**   | Wastes containing oil                                 |
| 16 07 09**   | Wastes containing other dangerous substances          |
| <i>Aqueous liquid wastes destined for off-site treatment (16 10)</i>                           |   |
| 16 10 01**   | Aqueous liquid wastes containing dangerous substances |
| 16 10 03**   | Aqueous concentrates containing dangerous substances  |

\* Codes referred to in the European Waste Catalogue.

\*\* Includes special waste.

**37.**—(1) The burial of a dead domestic pet in the garden of a domestic property where the pet lived.

(2) This paragraph does not apply if—

- (a) the dead domestic pet may prove hazardous to anyone who may come into contact with it; or
- (b) the burial is carried out by an establishment or undertaking and the pet did not die at the property.

**38.** The deposit or storage of samples of waste, including samples of waste which are special waste (including the temporary storage of WEEE pending its recovery), which are being or are to be subjected to testing and analysis, at any place where they are being or are to be tested or analysed, if the samples do not exceed 10 tonnes and are taken—

- (a) in the exercise of any power under the Radioactive Substances Act 1993<sup>(25)</sup>, the Sewerage (Scotland) Act 1968<sup>(26)</sup>, the Water Environment and Water Services (Scotland) Act 2003<sup>(27)</sup>, the 1990 Act, the Water Resources Act 1991<sup>(28)</sup>, the Environment Act 1995<sup>(29)</sup> or the Water Environment (Controlled Activities) (Scotland) Regulations 2005<sup>(30)</sup>;
- (b) by or on behalf of the holder of a waste management licence in pursuance of the conditions of that licence;
- (c) by or on behalf of a person carrying on in relation to the waste an activity described in this Schedule or in regulation 16(1);
- (d) by or on behalf of the owner or occupier of the land from which the samples are taken;
- (e) by or on behalf of any person to whom section 34 of the 1990 Act applies in connection with that person's duties under that section; or
- (f) for the purposes of research.

<sup>(25)</sup> 1993 c. 12.

<sup>(26)</sup> 1968 c. 47.

<sup>(27)</sup> 2003 asp 3.

<sup>(28)</sup> 1991 c. 57.

<sup>(29)</sup> 1995 c. 25.

<sup>(30)</sup> S.S.I. 2005/348.

**39.**—(1) The secure storage at a pharmacy or at the premises of a medical, nursing or veterinary practice or a needle exchange facility, of the wastes listed in Table 4F below (including those which are special waste) which have been returned to those places from care services, households or by individuals if—

- (a) the total quantity of such returned waste at the pharmacy or premises does not at any time exceed 10 cubic metres;
- (b) the total amount of such waste returned in any 24 hour period does not exceed 5 kilograms or, as the case may be, 5 litres; and
- (c) any waste so returned to the pharmacy or premises is not stored there for longer than 3 months.

(2) The secure storage at the premises of a medical, nursing or veterinary practice of the wastes listed in Table 4F below (including special waste) produced in carrying on that practice if—

- (a) the total quantity of that waste at the premises does not at any time exceed 10 cubic metres; and
- (b) no such waste is stored at those premises for longer than 3 months.

(3) In this paragraph, “care services” has the same meaning as in section 2 of the Regulation of Care (Scotland) Act 2001(31).

**Table 4F**

| <i>Codes*</i>  | <i>Types of waste</i>  |
|--|--|
| <i>Wastes from electrical and electronic equipment (16 02)</i> |  |
| 16 02 09**   | Transformers and capacitors containing PCBs  |
| 16 02 10**   | Discarded equipment containing or contaminated by PCBs other than those mentioned in 16 02 09          |
| 16 02 11**   | Discarded equipment containing chlorofluorocarbons, HCFC, HFC  |
| 16 02 12**   | Discarded equipment containing free asbestos   |
| 16 02 13**   | Discarded equipment containing hazardous components other than those mentioned in 16 02 09 to 16 02 12 |
| 16 02 14   | Discarded equipment other than those mentioned in 16 02 09 to 16 02 13                                 |
| 16 02 15**   | Hazardous components removed from discarded equipment  |
| 16 02 16   | Components removed from discarded equipment other than those mentioned in 16 02 15                     |
| <i>Batteries and accumulators (16 06)</i>                      |  |
| 16 06 01**   | Lead batteries   |
| * Codes referred to in the European Waste Catalogue.           |  |
| ** Includes special waste.                                     |  |

(31) 2001 asp 8. Section 2 has been amended by the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), section 133(2) and Schedule 5, Part 1, and by the [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), section 29.

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| <i>Codes*</i>  | <i>Types of waste</i>   |
|--|---|
| 16 06 02**   | Ni-Cd batteries   |
| 16 06 03**   | Mercury-containing batteries  |
| 16 06 04   | Alkaline batteries (except 16 06 03)  |
| 16 06 05   | Other batteries and accumulators  |
| <i>Wastes from natal care, diagnosis, treatment or prevention of disease in humans (18 01)</i>       |   |
| 18 01 01   | Sharps (except 18 01 03 – waste whose collection and disposal is subject to special requirements in order to prevent infection)   |
| 18 01 02   | Body parts and organs including blood bags and blood preserves (except 18 01 03)  |
| 18 01 03**   | Wastes whose collection and disposal is subject to special requirements in order to prevent infection   |
| 18 01 04   | Wastes whose collection and disposal is not subject to special requirements in order to prevent infection (for example dressings, plaster casts, linen, disposable clothing, diapers) |
| 18 01 07   | Chemicals other than those mentioned in 18 01 06 (chemicals consisting of or containing dangerous substances)   |
| 18 01 08**   | Cytotoxic and cytostatic medicines  |
| 18 01 09   | Medicines other than those mentioned in 18 01 08  |
| <i>Wastes from research, diagnosis, treatment or prevention of disease involving animals (18 02)</i> |   |
| 18 02 01   | Sharps (except 18 02 02 – wastes whose collection and disposal is subject to special requirements in order to prevent infection)  |
| 18 02 02**   | Wastes whose collection and disposal is subject to special requirements in order to prevent infection   |
| 18 02 03   | Wastes whose collection and disposal is not subject to special requirements in order to prevent infection   |
| 18 02 06   | Chemicals other than those mentioned in 18 02 05 (chemicals consisting of or containing dangerous substances)   |
| 18 02 07**   | Cytotoxic and cytostatic medicines  |
| 18 02 08   | Medicines other than those mentioned in 18 02 07  |
| <i>Separately collected fractions (20 01)</i>  |   |
| 20 01 31**   | Cytotoxic and cytostatic medicines  |
| * Codes referred to in the European Waste Catalogue.   |   |
| ** Includes special waste.   |   |

| <i>Codes*</i> | <i>Types of waste</i>  |
|---------------|--|
| 20 01 32      | Medicines other than those mentioned in 20 01 31 (cytotoxic and cytostatic medicines)  |
| 20 01 33**    | Batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these batteries |
| 20 01 34      | Batteries and accumulators other than those mentioned in 20 01 33  |
| 20 01 35**    | Discarded electrical and electronic equipment other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components        |
| 20 01 36      | Discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35                              |
| 20 01 99      | Other fractions not otherwise specified  |

\* Codes referred to in the European Waste Catalogue.

\*\* Includes special waste.

**40.**—(1) The secure storage of non-liquid waste, including WEEE, at any place other than the premises where it is produced if—

- (a) the amount of waste stored does not at any time exceed 50 cubic metres in total and is not kept for longer than 3 months;
- (b) the person storing the waste is the owner of the place where it is stored or has the consent of the owner;
- (c) the place where it is stored is not a site designed or adapted for the reception of waste with a view to its being disposed of or recovered elsewhere; and
- (d) such storage is incidental to the collection or transport of the waste.

(2) Sub paragraph (1) above does not apply to the storage of waste at a place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles.

(3) The temporary storage of scrap rails on operational land of a railway, light railway or tramway if the total quantity of that waste in any one place does not at any time exceed 10 tonnes and the storage is incidental to the collection or transport of the scrap rails.

**41.**—(1) The temporary storage of waste, including WEEE, pending its collection, on the site where it is produced.

(2) Sub paragraph (1) above does not apply to the storage of waste at a place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles.

(3) Sub paragraph (1) shall only apply where such temporary storage conforms with the obligations and the minimum technical requirements described, respectively, in paragraph 1 to each of Parts 1 and 2 of the Schedule to the End of Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003<sup>(32)</sup>.

(4) Sub paragraph (1) above shall apply to special waste if—

- (a) it is stored on the site for no longer than 12 months;

(32) [S.S.I. 2003/593](#).

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- (b) in the case of liquid waste, it is stored in a secure container and the total volume of that waste does not at any time exceed 23,000 litres; and
- (c) in any other case, either—
  - (i) it is stored in a secure container and the total volume of that waste does not at any time exceed 80 cubic metres; or
  - (ii) it is stored in a secure place and the total volume of that waste does not at any time exceed 50 cubic metres.

**42.—**(1) The disposal of waste consisting of pesticide solution or washings in a lined biobed at the place where the waste is produced, provided that no more than 8000 litres of such waste is so disposed of in any 12 month period.

(2) The secure storage of such waste, at the place where it is produced, prior to its disposal in accordance with sub-paragraph (1), provided that no more than 1500 litres of such waste is stored at any one time.

(3) The recovery or reuse of liquid residue from a lined biobed which has been used in accordance with sub-paragraph (1), at the place where the liquid residue is produced.

(4) The treatment of agricultural land by spreading with biobed material from a lined biobed which has been used in accordance with sub-paragraph (1) where—

- (a) the biobed material has been securely stored for at least 12 months prior to being spread on the land; and
- (b) that treatment results in benefit to agriculture or environmental improvement.

(5) The secure storage, at the place where it is produced, of biobed material intended to be used in accordance with sub-paragraph (4), where—

- (a) no more than 10 tonnes of biobed material is stored at any one time; and
- (b) no waste is stored for longer than 3 years.

**43.—**(1) The crushing of waste gas discharge lamps (including fluorescent tubes which are special waste within category 20 01 21 of the European Waste Catalogue) for the purposes of volume reduction prior to collection, where the material is intended for recovery or reuse.

(2) The storage of such lamps—

- (a) prior to crushing; and
- (b) after crushing but prior to collection.

(3) Sub paragraph (1) or, as the case may be, sub-paragraph (2) applies only where—

- (a) the crushing operation is carried out in equipment designed for the purpose of volume reduction prior to collection;
- (b) the crushing operation is carried out solely for that purpose;
- (c) the mercury concentration in emissions does not exceed 50 micrograms/m<sup>3</sup>;
- (d) the total quantity of lamps processed in any period of 24 hours does not exceed 3 tonnes;
- (e) the storage of the lamps prior to crushing is under weather proof covering in compliance with paragraph 1 of Annex III to the WEEE Directive; and
- (f) the storage of the lamps after crushing is in a secure container.

**44.—**(1) Heating iron, steel or any ferrous-alloy, non ferrous metal or non-ferrous metal alloy, in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts, for the purpose of removing grease, oil or any other non-metallic contaminant.

(2) Sub paragraph (1) does not apply to the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant.

(3) In the case of a process involving the heating of iron, steel or any ferrous-alloy, sub paragraph (1) does not apply if that process is related to a process described in any of paragraphs (a) to (h), or (j) to (m), of Part A or paragraphs (a) to (c), or (e) or (f), of Part B of Section 2.1 of Schedule 1 to the 1991 Regulations or an activity described in Section 2.1 (other than in paragraph (d) of Part B) of Part 1 of Schedule 1 to the 2000 Regulations.

(4) In the case of a process involving the heating of any non-ferrous metal or non ferrous metal alloy, sub paragraph (1) does not apply if that process is related to a process described in any of paragraphs (a) to (g), or (i) to (k), of Part A of Section 2.2 of Schedule 1 to the 1991 Regulations or an activity described in Part A of Section 2.2 of Part 1 of Schedule 1 to the 2000 Regulations.

(5) The secure storage of waste intended to be submitted to heating to which sub paragraph (1) applies if the waste or, as the case may be, any container in which the waste is stored, is stored on an impermeable pavement which is provided with a sealed drainage system.

(6) In this paragraph, “net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

(7) In this paragraph, “ferrous alloy” means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a non ferrous metal content greater than any percentage specified in Section 2.2 of Schedule 1 to the 1991 Regulations, and “non-ferrous metal alloy” shall be construed accordingly.

**45.—**(1) The carrying on, at any secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, in respect of a kind of waste described in column 1 of Table 4G, of any of the activities specified in column 2 of that Table in relation to that kind of waste if—

- (a) the total quantity of any particular kind of waste so dealt with at that place does not in any period of seven days exceed the limit specified in relation to that kind of waste in column 3 of that Table;
- (b) the activity is carried on with a view to the recovery of the waste (whether or not by the person carrying on the activity listed in that Table);
- (c) every part of that place upon which the activity is carried out is surfaced with an impermeable pavement provided with a sealed drainage system; and
- (d) the plant or equipment used in carrying on the activity is maintained in reasonable working order.

**Table 4G**

| <i>Kind of Waste</i>   | <i>Activities</i>   | <i>Seven day limit</i> |
|--|---|------------------------|
| Ferrous metals (within category 16 01 17 of the European Waste Catalogue) or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys) | Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment | 8,000 tonnes           |
| The following non ferrous metals (within category  | Sorting; grading; baling; shearing by manual feed;  | 400 tonnes             |

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| <i>Kind of Waste</i>  | <i>Activities</i>   | <i>Seven day limit</i> |
|---|---|------------------------|
| 16 01 18 of the European Waste Catalogue), namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys) | compacting; crushing; cutting by hand-held equipment  |                        |
| Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories   | Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment | 300 tonnes             |
| Depolluted motor vehicles   | Dismantling, rebuilding, restoring or reconditioning  | 40 vehicles            |
| Lead acid motor vehicles batteries (within category 16 06 01 of the European Waste Catalogue) (including those whose contents are special waste) not forming part of, nor contained in, a motor vehicle   | Sorting   | 20 tonnes              |

(2) The storage, at any place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, of waste of a kind listed in column 1 of Table 4H if–

- (a) the waste is to be submitted to any of the activities specified in Table 4G in relation to that kind of waste, or to a recycling or reclamation operation authorised by a waste management licence or an authorisation granted under Part I of the 1990 Act or a permit granted under the 2000 Regulations;
- (b) the total quantity of waste of that kind stored at that place does not exceed the maximum total quantity specified in column 2 of Table 4H in relation to that kind of waste;
- (c) no waste is stored at that place for longer than 12 months;
- (d) each kind of waste is either stored separately or is kept in separate containers, but in a case where a consignment consisting of more than one kind of waste is delivered to that place it may be stored unseparated at that place pending sorting for no longer than 2 months;
- (e) in the case of waste which is liquid or consists of motor vehicle batteries, it is stored in a secure container;
- (f) in the case of waste motor vehicles, they are, where appropriate, stored on an impermeable pavement;
- (g) subject to sub sub paragraph (f), the waste or, as the case may be, any container in which it is stored, is stored on an impermeable pavement which is provided with a sealed drainage system; and
- (h) the height of any pile or stack of waste does not exceed 5 metres.

**Table 4H**

| <i>Kind of waste</i>  | <i>Maximum total quantity</i> |
|---|-------------------------------|
| Ferrous metals (within category 16 01 17 of the European Waste Catalogue) or ferrous alloys in metallic non dispersible form (but not turnings, shavings or chippings of those metals or alloys)  | 50,000 tonnes                 |
| The following non-ferrous metals (within category 16 01 18 of the European Waste Catalogue), namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys) | 1,500 tonnes                  |
| Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories   | 1,000 tonnes                  |
| Motor vehicles, stored where appropriate on an impermeable pavement   | 1000 vehicles                 |
| Lead acid motor vehicle batteries (within category 16 06 01 of the European Waste Catalogue) (including those whose contents are special waste) not forming part of, nor contained in, a motor vehicle  | 40 tonnes                     |

- (3) Sub paragraph (1) or (2) only applies to the carrying on of an activity at a place if–
- (a) the person responsible for the management of that place–
    - (i) has established administrative arrangements to ensure that–
      - (aa) waste accepted at that place is of a kind listed in Table 4G or, as the case may be, Table 4H; and
      - (bb) no waste is accepted at that place in such a quantity as would cause there to be a breach of any of the terms and conditions of the exemption; and
    - (ii) carries out a monthly audit to confirm compliance with the terms and conditions of the exemption;
  - (b) the records required by paragraph 14 of Part I of Schedule 4 are kept in such a form as to show, for each month, the total quantity of each kind of waste recovered during that month at that place, and details of the total quantity of each kind of waste recovered at that place during the preceding 12 months are sent annually to the appropriate registration authority with the charge referred to in paragraph (d);
  - (c) an up to date plan of that place containing the details referred to in regulation 18(6)(c)(i) to (iv) is sent annually to the appropriate registration authority with the annual fee referred to in paragraph (d); and



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- (d) the charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995<sup>(33)</sup> is paid in respect of that place to the appropriate registration authority by the due date which shall be ascertained in accordance with sub paragraph (4).
- (4) For the purposes of ascertaining the due date in any year for payment of the fee referred in sub paragraph (3)(d) in respect of any place—
  - (a) the appropriate registration authority shall serve notice in accordance with the following provisions of this sub paragraph on the establishment or undertaking from which notice has been received by the authority under regulation 18(6) in respect of that place;
  - (b) a notice required by paragraph (a) shall be served not later than one month before the anniversary of the date when the notice, plan and fee referred to in regulation 18(6) were received by the authority in respect of that place and shall specify—
    - (i) the amount of the payment due,
    - (ii) the method of payment,
    - (iii) the date of such anniversary,
    - (iv) that payment is due on that date or, if later, upon the day falling one month after the date of the notice, and
    - (v) the effect of payment not being made by the date on which it is due,
 and the due date for payment of the annual fee for that year by that establishment or undertaking in respect of that place shall be the date specified for payment in the notice.
- (5) The temporary storage of waste (in this sub paragraph referred to as “the non-scrap waste”), pending its collection, at a place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles if—
  - (a) the non scrap waste is not of a kind described in Table 4H;
  - (b) the non-scrap waste was delivered to that place as part of a consignment of waste of which—
    - (i) at least 70 per cent by weight was waste consisting of waste motor vehicles; or
    - (ii) at least 95 per cent by weight was waste of any kind described in Table 4H other than waste motor vehicles, and is capable of being separated from that waste by sorting or hand dismantling;
  - (c) the non scrap waste is stored at that place for no longer than 3 months;
  - (d) in a case where the non-scrap waste is liquid, it is stored in a secure container; and
  - (e) the non scrap waste or, as the case may be, the container in which the non-scrap waste is stored, is stored on an impermeable pavement which is provided with a sealed drainage system.
- (6) In Table 4G, “shearing” means the cold cutting of metal by purpose-made shears, and “depolluted” in relation to waste motor vehicles has the meaning given in regulation 2 of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003<sup>(34)</sup>.
- (7) For the purposes of this paragraph and paragraph 44, “sealed drainage system”, in relation to an impermeable pavement, means a drainage system with impermeable components which does not leak and which will ensure that—
  - (a) no liquid will run off the pavement otherwise than via the system; and
  - (b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.

<sup>(33)</sup> 1995 c. 25.

<sup>(34)</sup> S.S.I. 2003/593.

**46.—(1)** The burning at a dock of waste consisting of—

- (a) plant tissue waste, in pursuance of a notice given under article 32 of the Plant Health (Scotland) Order 2005<sup>(35)</sup>; or
- (b) wood of any kind used to wedge or support parts of cargo, including packing material, spacers and pallets, in pursuance of a notice given under article 31 of the Plant Health (Forestry) Order 2005<sup>(36)</sup>.

(2) The storage at the dock where it was unloaded of waste intended to be burned under sub-paragraph (1).

(3) The total quantity of waste stored or burned under sub-paragraph (1) or (2), in any period of 24 hours, shall not exceed 15 tonnes.

(4) Any waste burned under sub-paragraph (1) shall be burned on a hard standing, within a secure location at the dock where it was unloaded.

**47.—(1)** The repair or refurbishment or both at a secure place of WEEE as described in column 1 of Table 5A, together with any incidental storage and other incidental activities in relation to that type of WEEE if—

- (a) the activity is carried on with a view to the reuse of the WEEE for its original purpose;
- (b) best available treatment, recovery and recycling techniques are used when carrying out the activity;
- (c) in respect of a description of waste contained in column 1 of Table 5A, the total quantity of WEEE so dealt with at that place does not exceed either the storage limit specified in column 2 of that Table or the treatment limit specified in column 3 in relation to that type of WEEE;
- (d) the technical requirements specified in Annex III of the WEEE Directive are met;
- (e) prior to the treatment of WEEE and in relation to any waste components from WEEE, such WEEE or components are stored in such a manner that their environmentally sound reuse or recycling is not hindered; and
- (f) no WEEE is stored at that place for longer than 12 months.

**Table 5A**

| <i>Codes and Type of Waste*</i>  | <i>Storage Limits**</i> | <i>Treatment Limits</i> |
|--|-------------------------|-------------------------|
| 16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 13)               | 50 cubic metres         | 2 tonnes/day            |
| 20 01 36 (WEEE other than those mentioned in 20 01 21 and 20 01 23 and 20 01 35) | 50 cubic metres         | 2 tonnes/day            |

\* Codes referred to in the European Waste Catalogue.

\*\* In total either awaiting repair or refurbishment or stored following such treatment.

(2) The carrying on, at any secure place in respect of WEEE that is special waste as described in Table 5B, the treatment activities of repair or refurbishment or both together with any incidental storage and other incidental activities, but not including the degassing and capture of ozone depleting substances in relation to that type of WEEE if—

<sup>(35)</sup> S.S.I. 2005/613, as amended by S.S.I. 2006/474.

<sup>(36)</sup> S.I. 2005/2517.

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- (a) the activity is carried on primarily with a view to the reuse of the WEEE for its original purpose;
- (b) best available treatment, recovery and recycling techniques are used when carrying out the activity;
- (c) in respect of a description of waste contained in a particular row to Table 5B the total quantity of WEEE so dealt with at that place does not exceed either the storage limit specified in column 2, or the treatment limit specified in column 3 of that Table for the types of WEEE in that row;
- (d) the technical requirements specified in Annex III of the WEEE Directive are met;
- (e) the other requirements specified in column 4 of that Table for that type of WEEE are met;
- (f) prior to the treatment of WEEE and in relation to any waste components from WEEE, such WEEE or components are stored in such a manner that their environmentally sound reuse or recycling is not hindered; and
- (g) no WEEE is stored at that place for longer than 12 months.

**Table 5B**

| <i>Codes and Type of Waste*</i>  | <i>Storage Limits**</i> | <i>Treatment Limits</i> | <i>Other Requirements</i>   |
|--|-------------------------|-------------------------|---|
| 16 02 11 (WEEE containing chlorofluorocarbons, HCFC or HFC) and 20 01 23 (WEEE containing chlorofluorocarbons)   | 80 cubic metres         | 5 tonnes/day            | Stored in a manner that will prevent the release of the CFCs, HCFCs or HFCs |
| Televisions and computer monitors containing cathode ray tubes falling within 16 02 13 (WEEE containing hazardous components other than those mentioned in 16 02 09 to 16 02 12) and 20 01 35 (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components) | 80 cubic metres         | 5 tonnes/day            |   |

\* Codes referred to in the European Waste Catalogue.

\*\* In total either awaiting repair or refurbishment or stored following such treatment.

- (3) Sub paragraphs (1) or (2) only apply to the carrying out of an activity at a place if–
  - (a) the person responsible for the management of that place has established administrative arrangements to ensure that–
    - (i) WEEE accepted at that place is of a type set out in column 1 of Table 5A or 5B, as the case may be; and

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- (ii) no waste is accepted at that place in such a quantity as would cause there to be a breach of any of the terms and conditions of the exemption;
  - (b) an up to date plan of that place containing the details referred to in regulation 18(8) is sent annually to the appropriate registration authority; and
  - (c) the applicable charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995(37), or where there is no applicable scheme, the sum of £265, is paid in respect of that place to the appropriate registration authority by the due date which shall be ascertained in accordance with the provisions of paragraph 45(4).
- (4) In ascertaining the date referred to in sub-paragraph (3)(c), the reference to regulation 18(6) in paragraph 45(4)(a) and (b) shall be construed as a reference to regulation 18(8).
- (5) For the purposes of this paragraph, the storage and treatment limits set out in columns 2 and 3 of Tables 5A and 5B are overall limits that apply to all waste falling within the 6 digit code or codes specified in column 1 of those Tables.

- 48.—**(1) The storage at any secure place of WEEE of a type listed in column 1 of Table 6A if—
- (a) the WEEE is stored for the purpose of its recovery elsewhere;
  - (b) the total quantity of any particular type of WEEE stored at the site at any time does not exceed the storage limit specified in column 2 of the Table in relation to that type of WEEE;
  - (c) any particular type of WEEE is stored for no longer than the duration limits specified in column 3 of the Table;
  - (d) the other relevant storage requirements specified in column 4 of the Table are met; and
  - (e) the WEEE is stored in such a manner that its environmentally sound reuse or recycling is not hindered.

**Table 6A**

| <i>Codes and Type of Waste*</i>  | <i>Maximum quantity</i> | <i>Maximum duration</i> | <i>Type of containment</i>  |
|--|-------------------------|-------------------------|---|
| 16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 12) and 20 01 36 (WEEE other than those mentioned in 20 01 21, 20 01 23 and 20 01 35)                       | 80 cubic metres         | 3 months                | Impermeable surface within a secure store; weatherproof covering of stored WEEE |
| 16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 12) and 20 01 35 (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components) | 80 cubic metres         | 3 months                | Appropriate leak proof containers providing an impermeable surface              |
| * Codes referred to in the European Waste Catalogue.   |                         |                         |   |

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- (2) The secure storage of WEEE of a type listed in column 1 of Table 6B if–
- (a) the WEEE is stored for the purpose of its recovery elsewhere;
  - (b) the total quantity of any particular type of WEEE stored at the site at any time does not exceed the storage limit specified in column 2 of the Table;
  - (c) any particular type of WEEE is stored for no longer than the duration limits specified in column 3 of the Table;
  - (d) the relevant type of containment and other relevant requirements specified in columns 4 and 5 of the Table are met;
  - (e) the WEEE is stored in such a manner that its environmentally sound reuse or recycling is not hindered.

**Table 6B**

| <i>Codes and Type of Waste*</i>  | <i>Maximum quantity</i> | <i>Maximum duration</i> | <i>Type of containment</i>  | <i>Other Requirements</i>  |
|--|-------------------------|-------------------------|---|--|
| 16 02 11 (WEEE containing chlorofluorocarbons, HCFC or HFC) and 20 01 23 (WEEE containing chlorofluorocarbons)   | 80 cubic metres         | 3 months                | Impermeable surface within a secure store; weatherproof covering of stored WEEE | Stored in a manner that will prevent the release of the CFC, HCFC and HFC; overall height of any stack shall not exceed 2 units or 3.5metres, whichever is the lower |
| 16 02 13 WEEE containing hazardous components other than those mentioned in 16 02 09 to 16 2 12) and 20 01 35 (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components) | 80 cubic metres         | 3 months                | Impermeable surface within a secure store; weatherproof covering of stored WEEE |  |
| 20 01 21 (fluorescent tubes and other mercury-containing waste)  | 50 cubic metres         | 3 months                | Appropriate leak proof containers; weatherproof covering                        | Stored in such a way that the glass is not broken  |
| * Codes referred to in the European Waste Catalogue.   |                         |                         |   |  |

(3) For the purposes of sub paragraphs (1) and (2), the activity of storage shall be taken to include the incidental sorting of waste of that type.

(4) For the purposes of this paragraph, the storage and treatment limits set out in columns 2 and 3 of Tables 6A and 6B are overall limits that apply to all waste falling within the 6 digit code or codes specified in column 1 of those Tables.”

## SCHEDULE 2

Regulation 9

### NEW SCHEDULE 3A TO THE WASTE MANAGEMENT LICENSING REGULATIONS 1994

#### “SCHEDULE 3A

Regulation 18(8)

## PART 1

### PLANS AND DOCUMENTS REQUIRED FOR REGISTRATION

| <i>Paragraph Number of Exempt activity in Schedule 3</i> | <i>Plans and documents required</i>  |
|--|--|
| 7, 8, 9, 10, 12, 19, 42, 46 and 47                       | <p>A plan of each place at which the exempt activity is to be carried on showing—</p> <ul style="list-style-type: none"> <li>(a) the boundaries of that place; and</li> <li>(b) the locations within that place at which the exempt activity is to be carried on.</li> </ul>   |
| 7  | <p>1. The notice shall include the following particulars—</p> <ul style="list-style-type: none"> <li>(a) the establishment or undertaking’s name, address and telephone number, and, if applicable, its fax number and email address;</li> <li>(b) a description of the waste to be used, its physical form and the process from which it arose;</li> <li>(c) a description of where and how the waste will be stored pending the use;</li> <li>(d) a description of the land which is to be treated with the waste, including its location as identified by reference to a map and a six figure Ordnance Survey grid reference, and its area, the area available for the treatment, the soil, crops grown or to be grown in the soil and all wastes used to treat the land in the previous six months;</li> <li>(e) the method and intended date of treatment, the quantities of waste to be used and the rate of application;</li> </ul> |

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| <i>Paragraph Number of Exempt activity in Schedule 3</i> | <i>Plans and documents required</i>  |
|--|--|
|  | <ul style="list-style-type: none"> <li>(f) details of the benefit to agriculture or ecological improvement to be expected from the treatment, including any analysis of the waste or the soil, and management plans;</li> <li>(g) the location of any part of the water environment within 15 metres of the land on which the waste is to be used; and</li> <li>(h) the intended start and completion date of the storage or treatment.</li> </ul> <p>2. The notice shall be accompanied by the following documents—</p> <ul style="list-style-type: none"> <li>(a) an analysis of the wastes to be used and the soil which is to be treated with them;</li> <li>(b) an assessment of the risk of pollution caused by the use;</li> <li>(c) a certificate describing how the treatment will result in benefit to agriculture or ecological improvement, which shall be prepared by or based on advice from a person who, in the opinion of the appropriate registration authority, has appropriate technical or professional expertise.</li> </ul> <p>3. Wastes shall be analysed in relation to the following parameters—</p> <ul style="list-style-type: none"> <li>(a) percentage dry solids content;</li> <li>(b) pH;</li> <li>(c) conductivity (mS);</li> <li>(d) total content of major nutrients and readily plant available ammonium-nitrogen with the results to be expressed on a fresh weight basis;</li> <li>(e) biochemical oxygen demand and chemical oxygen demand;</li> <li>(f) where the appropriate registration authority considers this to be appropriate, in relation to the types of waste whose codes are listed in the first column of Table 4C, the parameters ticked in the remaining columns of the Table; and</li> </ul> |

| <i>Paragraph Number of Exempt activity in Schedule 3</i> | <i>Plans and documents required</i>   |
|--|---|
|  | (g) such other parameters as the appropriate registration authority considers appropriate.  |
| 8  | <p>The notice shall include the following particulars—</p> <ul style="list-style-type: none"> <li>(a) the name, address and telephone number and, if applicable, the fax number and e-mail address of the establishment or undertaking that is to store or use the sludge and the establishment or undertaking supplying it;</li> <li>(b) the quantity of sludge to be stored or used and its origin;</li> <li>(c) how that sludge has been treated;</li> <li>(d) the location in which the sludge is to be stored or spread, including a description of any container or lagoon to be used;</li> <li>(e) the locations of any buildings, public rights of way, abstraction points or surface waters above Ordnance Datum which are situated within 400 metres of the boundaries of that place;</li> <li>(f) where sludge is to be used for treatment of the land, the notice shall be accompanied by a certificate describing how the activity will result in ecological improvement or as the case may be, enhancement of the growth of crops, which shall be prepared by or based on advice from a person who, in the opinion of the appropriate registration authority, has appropriate technical or professional expertise.</li> </ul> |
| 9  | <p>1. The notice shall include the following particulars—</p> <ul style="list-style-type: none"> <li>(a) the establishment or undertaking's name, address and telephone number and, if applicable, its fax number and email address;</li> <li>(b) where less than 2,500 cubic metres of waste are to be used, a description of the treatment, the type and quantity of waste to be used and the location of the treatment;</li> <li>(c) where 2,500 or more cubic metres of waste are to be used— <ul style="list-style-type: none"> <li>(i) the total quantity of waste to be used;</li> </ul> </li> </ul>   |



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| <i>Paragraph Number of Exempt activity in Schedule 3</i>              | <i>Plans and documents required</i>   |
|---|---|
|   | <ul style="list-style-type: none"> <li>(ii) the type of waste to be used, identified by reference to the descriptions in the second column of Table 2A;</li> <li>(iii) the location of the land where the waste is to be used or stored, identified by reference to a map and a six figure Ordnance Survey grid reference, including the name, address, telephone number and, if applicable, the fax number and email address of the landowner;</li> <li>(iv) a plan of the use with cross-sections showing the proposed levels of the land affected by the treatment;</li> <li>(v) the intended start and completion date of the use or storage.</li> </ul> <p>2. Where any of the wastes listed in Part II of Table 2A is to be used, the notice shall be accompanied by a certificate describing how the activity will result in benefit to agriculture or ecological improvement, which shall be prepared by or based on advice from a person who, in the opinion of the appropriate registration authority, has appropriate technical or professional expertise.</p> |
| 10  | <p>The notice shall include the following particulars—</p> <ul style="list-style-type: none"> <li>(a) the establishment or undertaking's name, address and telephone number and, if applicable, its fax number and e-mail address;</li> <li>(b) a description of the proposed activity;</li> <li>(c) a plan showing the location and specifications of any such impermeable pavements or drainage systems as are mentioned in paragraph 10.</li> </ul>  |
| 12 where the activities involve more than 10 tonnes of waste per year | <p>The notice shall include the following particulars—</p> <ul style="list-style-type: none"> <li>(a) the establishment or undertaking's name, address and telephone number and, if applicable, its fax number and e-mail address;</li> </ul>   |

| <i>Paragraph Number of Exempt activity in Schedule 3</i> | <i>Plans and documents required</i>  |
|--|--|
|  | <ul style="list-style-type: none"> <li>(b) the plan accompanying the notice given to the appropriate registration authority shall show locations of any buildings, public rights of way, abstraction points or surface waters above Ordnance Datum which are situated within 250 metres of the boundaries of that place;</li> <li>(c) the quantities and types of waste to be composted, identified by reference to the descriptions in the second column of Table 3B, and the expected duration of the composting;</li> <li>(d) where containment is to be provided as referred to in Table 3C, the method of containment.</li> </ul>   |
| 19   | <p>The notice shall include the following particulars—</p> <ul style="list-style-type: none"> <li>(a) the establishment or undertaking's name, address and telephone number, and, if applicable, its fax number and email address;</li> <li>(b) where less than 2,500 cubic metres of waste are to be stored or used, a description of the use, the type and quantity of waste to be stored or used and the location of the use;</li> <li>(c) where more than 2,500 cubic metres of waste are to be used for relevant work— <ul style="list-style-type: none"> <li>(i) the total quantity of waste to be stored or used;</li> <li>(ii) the type of waste to be stored or used, identified by reference to the descriptions in the second column of Table 4B;</li> <li>(iii) the location of the land where the waste is to be stored or used, identified by reference to a map and a six figure Ordnance Survey grid reference, including the name, address, telephone number and, if applicable, the fax number and email address of the landowner;</li> <li>(iv) a plan of the use, with cross-sections showing the proposed final levels of the land affected by the use; and</li> <li>(v) the intended start and completion date of the storage or use.</li> </ul> </li> </ul> |
| 42   | <p>The notice shall include the following particulars—</p>   |

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| <i>Paragraph Number of Exempt activity in Schedule 3</i> | <i>Plans and documents required</i>   |
|--|---|
|  | <p>(a) the establishment or undertaking's name, address and telephone number and, if applicable, its fax number and e-mail address;</p> <p>(b) a description of the proposed activity; and</p> <p>(c) a description of how the biobed will be built and operated, based on principles which, in the opinion of SEPA, apply appropriate technical or professional expertise.</p> |
| 47   | <p>The notice shall include the following particulars—</p> <p>(a) the establishment or undertaking's name, address and telephone number and, if applicable, its fax number and e-mail address; and</p> <p>(b) a description of the proposed activity.</p>   |

**TABLE 7**

| <i>Codes referred to in European Waste Catalogue</i> | <i>Parameter Neutralising Value</i> | <i>Micro-biology</i> | <i>Oils &amp; Fats</i> | <i>Potential toxic elements</i> | <i>Prescribed substances *</i> | <i>Carbon/Nitrogen ratio</i> |
|--|-------------------------------------|----------------------|------------------------|---------------------------------|--------------------------------|------------------------------|
| 03 03 11,  | #                                   |                      |                        | #                               | #                              | #                            |
| 03 03 99   |                                     |                      |                        |                                 |                                |                              |
| 02 01 99,  |                                     | #                    |                        | #                               | #                              |                              |
| 03 01 01,  |                                     |                      |                        |                                 |                                |                              |
| 03 01 05,  |                                     |                      |                        |                                 |                                |                              |
| 03 03 01   |                                     |                      |                        |                                 |                                |                              |
| 17 05 04,  |                                     |                      |                        |                                 |                                |                              |
| 20 02 02   |                                     |                      |                        |                                 |                                |                              |
| 02 02 03   |                                     | #                    | #                      |                                 |                                |                              |
| 02 03, 02 04,  | #                                   |                      | #                      |                                 |                                |                              |

\*ie. Substances prescribed in Schedule 6 to the Environmental (Prescribed Processes and Substances) Regulations 1991(38).

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| <i>Codes referred to in European Waste Catalogue</i> | <i>Parameter Neutralising Value</i> | <i>Micro-biology</i> | <i>Oils &amp; Fats</i> | <i>Potential toxic elements</i> | <i>Prescribed substances *</i> | <i>Carbon/Nitrogen ratio</i> |
|--|-------------------------------------|----------------------|------------------------|---------------------------------|--------------------------------|------------------------------|
| 02 05, 02 06,  |                                     |                      |                        |                                 |                                |                              |
| 02 07  |                                     |                      |                        |                                 |                                |                              |
| 03 03 09,  | #                                   |                      |                        | #                               | #                              |                              |
| 10 13  |                                     |                      |                        |                                 |                                |                              |
| 04, 10 01  |                                     |                      |                        |                                 |                                |                              |
| 99   |                                     |                      |                        |                                 |                                |                              |
| 02 01 03,  |                                     | #                    |                        | #                               | #                              | #                            |
| 02 04 01,  |                                     |                      |                        |                                 |                                |                              |
| 19 05 03,  |                                     |                      |                        |                                 |                                |                              |
| 20 02 01   |                                     |                      |                        |                                 |                                |                              |
| 04 02 10,  |                                     |                      |                        |                                 |                                | #                            |
| 04 02 15,  |                                     |                      |                        |                                 |                                |                              |
| 04 02 20,  |                                     |                      |                        |                                 |                                |                              |
| 04 02 21,  |                                     |                      |                        |                                 |                                |                              |
| 04 02 22   |                                     |                      |                        |                                 |                                |                              |
| 04 01 07   |                                     |                      | #                      | #                               | #                              |                              |
| 17 05 06,  |                                     |                      |                        | #                               | #                              |                              |
| 19 06 03,  |                                     |                      |                        |                                 |                                |                              |
| 19 06 04,  |                                     |                      |                        |                                 |                                |                              |
| 19 06 05,  |                                     |                      |                        |                                 |                                |                              |
| 19 06 06   |                                     |                      |                        |                                 |                                |                              |
| 07 07 12   | #                                   | #                    | #                      | #                               | #                              | #                            |
| 19 09 02   | #                                   | #                    |                        | #                               | #                              |                              |

\*ie. Substances prescribed in Schedule 6 to the Environmental (Prescribed Processes and Substances) Regulations 1991(38).

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| Codes referred to in European Waste Catalogue | Parameter          |               |             |                          |                         |                       |
|---|--------------------|---------------|-------------|--------------------------|-------------------------|-----------------------|
|   | Neutralising Value | Micro-biology | Oils & Fats | Potential toxic elements | Prescribed substances * | Carbon/Nitrogen ratio |
| 06 01 99                                      | #                  |               |             |                          |                         |                       |

\*ie. Substances prescribed in Schedule 6 to the Environmental (Prescribed Processes and Substances) Regulations 1991(38).

## PART 2

### ASSESSMENT OF BENEFIT TO AGRICULTURE OR ECOLOGICAL IMPROVEMENT

1. In assessing benefit to agriculture or ecological improvement for the purposes of paragraphs 7, 8, 9, 25 and 42 of Schedule 3 to these Regulations, regard shall be had to the following paragraphs of this Part of Schedule 3A.

2. In assessing benefit to agriculture, regard shall be had to whether the use of the waste on the land will result in an improvement of the soil for the purpose of growing crops or grazing, and the following criteria shall apply for the purposes of such assessment—

- (a) the addition of nitrogen, phosphorus and other plant nutrients in the waste material should take account of the soil nutrient status and other sources of nutrient supply and be matched to the needs of the planned crop rotation;
- (b) the addition of total nitrogen attributable to the use of the waste on the land in any 12 month period must not exceed 250 kilograms per hectare, except in the case of the following wastes as listed in the European Waste Catalogue—
  - (i) soil from cleaning and washing beet (02 04 01);
  - (ii) soil (including excavated soil from contaminated sites), stones and dredging spoil consisting of soil and stones other than those containing dangerous substances (17 05 04);
  - (iii) dredging spoil other than those containing dangerous substances (17 05 06); and
  - (iv) garden and park wastes (including cemetery wastes) consisting of soil and stones (20 02 02);
- (c) the addition of organic matter which improves the capacity of the soil to hold water, or its porosity, stability, tilth and workability and is a benefit;
- (d) the addition of materials containing lime should take account of the neutralising value of the material, the pH of the soil and the target soil pH for the crop rotation;
- (e) the spreading of watery wastes may be a benefit where the moisture of the soil is insufficient to support the growth of crops at the time of application, or where they contain nutrients which are applied at an appropriate rate;
- (f) the spreading of waste soil may be a benefit where it is done in order to level uneven land and thereby facilitate the use of the land for agriculture, but not where it is done solely in order to raise the level of the land.

3. In assessing ecological improvement, regard shall be had to the extent to which wildlife habitats which might otherwise deteriorate are maintained or supported. The creation of a new habitat, or the restoration of an old habitat, is regarded as an improvement.”

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations re-enact regulations 17, 18 and 18A of, and Schedules 3 and 3A to, the Waste Management Licensing Regulations 1994 (“the 1994 Regulations”), with amendments. They also amend regulation 17A of the 1994 Regulations. These provisions concern exemptions from waste management licensing (“exempt activities”).

These Regulations transpose the requirements of Articles 4 and 11 of the Waste Framework Directive (formerly Directive [75/442/EEC](#) (O.J. No. L 194, 25.07.1975, p.39), and now consolidated as Directive [2006/12/EC](#) (O.J. No. L 114, 27.04.2006, p.21)), and Article 3 of the Hazardous Waste Directive ([91/689/EC](#) as amended by Council Directive [94/31/EC](#) and Regulation [\(EC\) No. 166/2006](#) of the European Parliament and of the Council). The Regulations also implement Commission Decision [2000/532/EC](#) (as amended by Commission Decision [2001/118/EC](#), Commission Decision [2001/119/EC](#) and Commission Decision [2001/573/EC](#)) establishing a list of wastes pursuant to Article 1(a) of the Waste Framework Directive and Article 1(4) of the Hazardous Waste Directive. The list of wastes contained within that Decision is known as the European Waste Catalogue.

Regulations 3 to 9 amend the 1994 Regulations.

Regulation 3 amends regulation 1 of the 1994 Regulations by inserting definitions of “co-incineration”, “co-incineration plant”, “incineration”, “incineration plant” and “WEEE”.

Regulation 4 re-enacts regulation 17 of the 1994 Regulations with drafting and minor amendments. Regulation 17 disapplies the requirement for a waste management licence for the purposes of section 33(1)(a) and (b) of the Environmental Protection Act 1990 in the case of exempt activities as set out in Schedule 3 to the 1994 Regulations.

Regulation 5 amends regulation 17A of the 1994 Regulations to provide that the deemed authorisation, for the purposes of regulation 5 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005, of an exempt activity which is a controlled activity, does not apply to exempt activities involving the construction, alteration or operation of impounding works in bodies of surface water; building, engineering or other works in, or in the vicinity of, any body of inland surface water; or to activities associated with such activities.

Regulation 6 re-enacts regulation 18 of the 1994 Regulations with drafting and minor amendments. Regulation 18 makes provision for registration of exempt activities. The amendment also makes provision for registration requirements for new exempt activities as contained in paragraphs 42 and 47 of Schedule 3 to the 1994 Regulations.

Regulation 7 re-enacts regulation 18A of the 1994 Regulations with drafting and minor amendments. Regulation 18A makes provision for registration obligations in connection with certain exempt activities, including the new activities in paragraphs 42 and 47 of Schedule 3 to the 1994 Regulations.

Regulation 8 substitutes a new Schedule 3 into the 1994 Regulations. This is contained in Schedule 1 to these Regulations. Schedule 3 describes the activities which are exempt from waste management

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

licensing requirements. In addition to drafting and minor amendments, Schedule 1 makes some changes of substance, including:

- The omission of the exempt activities formerly contained in paragraphs 2 (operation of a scrap metal furnace under an authorisation under Part I of the Environmental Protection Act 1990), 16 (activities authorised by a licence under article 7 or 8 of the Diseases of Animals (Waste Food) Order 1973), 28 (storage of returned goods), 42 (activities involving scrap metal or waste motor vehicles authorised under Part I of the Control of Pollution Act 1974) and 43 (activities not requiring a disposal licence under the Control of Pollution Act 1974) of Schedule 3 to the 1994 Regulations;
- The addition of new exemptions to Schedule 3 for the following activities: the recovery of fuel from waste vegetable oils for use in certain engines (paragraph 5(4)-(6)); the repair or refurbishment of waste goods (paragraph 14(2)); the use of compacted and securely baled tyres in engineering works (paragraph 16); the use of autoclaves to sterilise waste (paragraph 28); the disposal of pesticide solution or washings in a lined biobed, and the recovery and reuse of liquid and material from a biobed (paragraph 42); the crushing of waste gas discharge lamps for the purposes of volume reduction prior to collection (paragraph 43); the repair, refurbishment and storage of waste electronic and electrical equipment (“WEEE”) (paragraphs 47 and 48).

Regulation 9 substitutes a new Schedule 3A into the 1994 Regulations. This is contained in Schedule 2 to these Regulations. Part 1 of Schedule 3A lists the plans and documents which are required for the registration of certain exempt activities. In addition to drafting and minor amendments, provision is made for the new exempt activities in paragraphs 42 and 47 of Schedule 3 to the 1994 Regulations. Part 2 of Schedule 3A describes how benefit to agriculture or ecological improvement is to be assessed and has been amended to extend this to the activities mentioned in paragraphs 25 and 42 of Schedule 3 to the 1994 Regulations.

Regulation 10 amends the definition of “environmental licence” in section 56(1) of the Environment Act 1995 to extend the powers of SEPA, as the waste regulation authority under the 1994 Regulations, to charge by virtue of a scheme under section 41 of the 1995 Act for the registration of certain exempt activities.

Regulations 11 and 12 contain transitional arrangements in relation to the continued carrying out of activities which will either require a relevant waste management licence or registration as exempt activities under the 1994 Regulations as amended by these Regulations.