



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Preliminary

29 Preliminary.

(1) The following provisions have effect for the interpretation of this Part.

[^{F1}(1A) “Appropriate person” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the National Assembly for Wales.]

(2) The “environment” consists of all, or any, of the following media, namely land, water and the air.

(3) “Pollution of the environment” means pollution of the environment due to the release or escape (into any environmental medium) from—

- (a) the land on which controlled waste [^{F2}or extractive waste] is treated,
- (b) the land on which controlled waste [^{F2}or extractive waste] is kept,
- (c) the land in or on which controlled waste [^{F2}or extractive waste] is deposited,
- (d) fixed plant by means of which controlled waste [^{F2}or extractive waste] is treated, kept or disposed of,

of substances or articles constituting or resulting from the waste and capable (by reason of the quantity or concentrations involved) of causing harm to man or any other living organisms supported by the environment.

(4) Subsection (3) above applies in relation to mobile plant by means of which controlled waste [^{F3}or extractive waste] is treated or disposed of as it applies to plant on land by means of which controlled waste [^{F3}or extractive waste] is treated or disposed of.

Changes to legislation: Environmental Protection Act 1990, Section 29 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) For the purposes of subsections (3) and (4) above “harm” means harm to the health of living organisms or other interference with the ecological systems of which they form part and in the case of man includes offence to any of his senses or harm to his property; and “harmless” has a corresponding meaning.

[^{F4}(5A) In relation to controlled waste—

- (a) a reference to the management of such waste is a reference to the collection, transport, recovery and disposal of such waste and includes—
- (i) the supervision of such operations;
 - (ii) the after-care of disposal sites; and
 - (iii) actions taken as a broker or dealer;
- (b) “collection” means the gathering of such waste, including the preliminary sorting and preliminary storage of such waste for the purposes of transport to a waste treatment facility; and
- [“separate collection” means that waste is presented for collection, and
- ^{F5}(ba) collected, in a manner that ensures that—
- (i) dry recyclable waste is kept separate from other waste;
 - (ii) waste from one dry waste stream is kept separate from waste in another such stream; and
 - (iii) food waste is kept separate from other waste;]

(c) “recovery” refers to any of the operations listed in Part III of Schedule 4 to the Waste Management Licensing (Scotland) Regulations 2011, and any other operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in a plant or in the wider economy,

and cognate expressions shall be construed accordingly.]

- (6) The “disposal” of waste [^{F6}includes its disposal by way of deposit in or on land][^{F6}has the meaning given by regulation 2(1) of the Waste Management Licensing (Scotland) Regulations 2011] and, subject to subsection (7) below, waste is “treated” when it is subjected to any process, including making it re-usable or reclaiming substances from it and “recycle” (and cognate expressions) shall be construed accordingly.
- (7) Regulations made by the Secretary of State may prescribe activities as activities which constitute the treatment of waste for the purposes of this Part or any provision of this Part prescribed in the regulations.
- (8) “Land” includes land covered by waters where the land is above the low water mark of ordinary spring tides and references to land on which controlled waste [^{F7}or extractive waste] is treated, kept or deposited are references to the surface of the land (including any structure set into the surface).
- (9) “Mobile plant” means, [^{F8}subject to subsection (10) below,] plant which is designed to move or be moved whether on roads or other land.
- (10) [^{F9}Regulations made by the Secretary of State may prescribe descriptions of plant which are to be treated as being, or as not being, mobile plant for the purposes of this Part.]
- (11) “Substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour.

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[^{F10}[^{F11}(12) “The Environmental Permitting Regulations” means [^{F12}the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)].]

(13) The following expressions have the same meaning as in [^{F13}the Environmental Permitting Regulations]—

- “environmental permit”;
- “exempt waste operation”;
- [^{F14}“extractive waste”;
- “mining waste operation”;
- “the Mining Waste Directive”;
- “waste operation” .]]

Textual Amendments

- F1** S. 29(1A) inserted (E.W.) (7.4.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [s. 51](#)
- F2** Words in s. 29(3) inserted (E.W.) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations \(S.I. 2009/1799\)](#), reg. 28, {Sch. 2 para. 1(2)(a)}
- F3** Words in s. 29(4) inserted (E.W.) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations \(S.I. 2009/1799\)](#), reg. 28, {Sch. 2 para. 1(2)(b)}
- F4** S. 29(5A) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), [2\(2\)\(a\)](#)
- F5** S. 29(5A)(ba) inserted (S.) (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), [2\(2\)](#)
- F6** Words in s. 29(6) substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), [2\(2\)\(b\)](#)
- F7** Words in s. 29(8) inserted (E.W.) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations \(S.I. 2009/1799\)](#), reg. 28, {Sch. 2 para. 1(2)(c)}
- F8** Words in s. 29(9) repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), regs. 73, 74(2), Sch. 21 para. 3(2), [Sch. 23](#) (with reg. 72, Sch. 4)
- F9** S. 29(10) repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), regs. 73, 74(2), Sch. 21 para. 3(3), [Sch. 23](#) (with reg. 72, Sch. 4)
- F10** S. 29(12)(13) added (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 73, [Sch. 21 para. 3\(4\)](#) (with reg. 72, Sch. 4)
- F11** S. 29(12) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), regs. 1(1)(b), 107, [Sch. 26 para. 5\(3\)](#) (with Sch. 4)
- F12** Words in s. 29(12) substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), [Sch. 29 para. 6\(3\)](#) (with regs. 1(3), 77-79, Sch. 4)
- F13** Words in s. 29(13) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), regs. 1(1)(b), 107, [Sch. 26 para. 5\(4\)\(a\)](#) (with Sch. 4)
- F14** Words in s. 29(13) inserted (E.W.) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations \(S.I. 2009/1799\)](#), reg. 28, {Sch. 2 para. 1(2)(d)}

Commencement Information

- I1** S. 29 wholly in force at 31.5.1991 see s. 164(3) and [S.I. 1991/1319](#), [art. 2](#)

Changes to legislation:

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

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

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)