SCHEDULE 3

Descriptions: exempt waste operations and other operations
to which section 33(1)(a) of the 1990 Act does not apply

PART 1

Exempt waste operations: descriptions

Waste from prospecting

35.—(1) Depositing 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;

(b) the total quantity of waste so deposited over any period of 24 months does not exceed 45,000 cubic metres per hectare; and

(c) the drilling of the borehole or the making of any other excavation is development for which planning permission has been granted by article 3 of, and Class A or B of Part 22 of Schedule 2 to, the Town and Country Planning (General Permitted Development) Order 1995(**1**) and the conditions subject to which the development is permitted are observed.

(2) Expressions used in this paragraph which are also used in the Town and Country Planning (General Permitted Development) Order 1995 have the same meaning as in that Order.

(**1**) S.I.1995/418, amended by S.I. 1999/293, 1999/1783, 2003/956, 2004/3156 (W. 273), 2006/1282, 2006/1386 (W. 136), and by the Utilities Act 2000 (c. 27), section 76(7); there are other amending instruments but none is relevant.