

## SCHEDULE 3

Regulation 4

Exempt facilities and waste operations to which section 33(1)  
(a) of the 1990 Act does not apply: descriptions and conditions

### PART 1

Exempt waste operations: descriptions and conditions

#### CHAPTER 1

Interpretation of Part 1

#### Interpretation

1.—(1) In this Part—

“agricultural land” has the meaning given in section 109(1) of the Agriculture Act 1947<sup>(1)</sup> and, for the purposes of the descriptions in paragraphs U10 and U11, includes land used for the production of timber or other non-food crops;

“anaerobic digestion” means the mesophilic and thermophilic biological decomposition and stabilisation of biodegradable waste which—

- (a) is carried on under controlled anaerobic conditions, and
- (b) results in stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land;

“associated storage” means storage of waste that—

- (a) is associated with the use, treatment or disposal of waste, and
- (b) takes place at the place where the use, treatment or disposal is carried on;

“bank” means a bank, wall or embankment adjoining or confining, or constructed for the purposes of or in connection with, any channel and includes all land between the bank and low-watermark;

“construction” means the carrying on of building or engineering work which includes the repair, alteration, maintenance or improvement of an existing work and preparatory or landscaping works;

“impermeable surface” means a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the surface;

“inland waters” has the meaning given in section 221(1) of the 1991 Act;

“List of Wastes” means the list of wastes established by Commission [Decision 2000/532/EC](#) replacing [Decision 94/3/EC](#) establishing a list of wastes pursuant to Article 1(a) of Council [Directive 75/442/EEC](#) on waste and Council [Decision 94/904/EC](#) establishing a list of hazardous waste pursuant to Article 1(4) of Council [Directive 91/689/EEC](#) on hazardous waste<sup>(2)</sup>, as amended from time to time;

“place of production” means, in relation to any waste, the place where the waste was originally produced;

“Plant Health notice” means a notice served under—

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(1) 1947 c. 48.

(2) OJ No L 226, 6.9.2000, p 3, as last amended by Commission [Decision 2014/955/EU](#) (OJ No L 370, 30.12.2014, p 44).

*Status: This is the original version (as it was originally made).*

- (a) article 13 of the Plant Health (*Phytophthora ramorum*) (Wales) Order 2006<sup>(3)</sup>;
- (b) article 31 of the Plant Health (Forestry) Order 2005<sup>(4)</sup>;
- (c) article 32 of the Plant Health (England) Order 2015<sup>(5)</sup>;
- (d) article 32 of the Plant Health (Wales) Order 2006<sup>(6)</sup>;

“relevant waste”, where it appears in any paragraph in this Part, means waste that—

- (a) falls within a code specified in the first column of the table in the paragraph, and
- (b) is of a type specified in the second column of the table;

“scrap metal” has the meaning given in section 21 of the Scrap Metal Dealers Act 2013<sup>(7)</sup>;

“sealed drainage” means a drainage system with an impermeable surface which ensures that—

- (a) no liquid will run off the surface 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;

“secondary containment” means a bund or any other system for preventing waste which has leaked from the primary container from escaping from the place where it is stored or treated.

(2) In this Part, a six-digit code used to refer to a waste is a reference to the waste specified by the six-digit code in the List of Wastes, except insofar as the waste in this Part in relation to such a code does not include some of the types of waste specified by the code in the List.

(3) Where a bund is used as secondary containment—

- (a) the bund must have an impermeable lining and—
  - (i) have a capacity of not less than 110% of the original container’s storage capacity, or
  - (ii) if there is more than one container within the containment system, have a capacity of not less than 110% of the largest container’s storage capacity or 25% of the aggregate storage capacity, whichever is the greater, and
- (b) reasonable precautions must be taken to ensure that the capacities specified in paragraph (a) are maintained at all times.

(4) When interpreting this Part, a container, lagoon or other place is secure in relation to waste kept in it if—

- (a) all reasonable precautions are taken to ensure that the waste cannot escape from it, and
- (b) members of the public are unable to gain access to the waste.

(5) Where a quantity limit is specified in relation to more than one operation (storage, use or treatment) in any one specific or additional condition, that quantity limit applies to all of those operations on an aggregate basis.

(6) Where a waste operation is carried on by waste mobile plant, the quantity limits specified in any specific or additional specific condition in any Chapter of this Part apply in relation to each place where the operation is carried on.

(7) The quantity limits specified in any specific condition in paragraphs U1, U2, U10, U11, U12 and U15 that relate to the use or storage of waste over a specified period apply for that period regardless of whether more than one establishment or undertaking carries on the operation at the same place over that period.

(3) [S.I. 2006/1344 \(W. 134\)](#), to which there are amendments not relevant to these Regulations.

(4) [S.I. 2005/2517](#); relevant amending instruments are [S.I. 2011/1043](#), [2013/755 \(W. 90\)](#), [2014/2420](#) and [2015/1723 \(W. 235\)](#).

(5) [S.I. 2015/610](#), to which there are amendments not relevant to these Regulations.

(6) [S.I. 2006/1643 \(W. 158\)](#), amended by [S.I. 2011/1043](#); there are other amending instruments but none is relevant.

(7) [2013 c. 10](#).

## (8) In this Part—

- (a) a reference to any of paragraphs U1 to U16 is a reference to a paragraph numbered 1 to 16 in Section 2 of Chapter 2 (use of waste);
- (b) a reference to any of paragraphs T1 to T32 is a reference to a paragraph numbered 1 to 32 in Section 2 of Chapter 3 (treatment of waste);
- (c) a reference to any of paragraphs D1 to D8 is a reference to a paragraph numbered 1 to 8 in Section 2 of Chapter 4 (disposal of waste);
- (d) a reference to any of paragraphs S1 to S3 is a reference to a paragraph numbered 1 to 3 in Section 2 of Chapter 5 (storage of waste).

## CHAPTER 2

## Use of waste

## SECTION 1

*Introductory*

## 1.—(1) The descriptions in this Chapter—

- (a) are set out in the first sub-paragraph of paragraphs U1 to U16, and
- (b) include associated storage.

(2) The specific conditions for each description in this Chapter are set out in the third sub-paragraph of paragraphs U1 to U16.

## (3) The general conditions for all descriptions in this Chapter are as follows—

- (a) the operation is for the purposes of recovering or reusing the waste, unless otherwise stated in the specific conditions;
- (b) the waste used is suitable for the purposes of the operation;
- (c) no more waste is used than is necessary to carry on the operation.

## SECTION 2

*Descriptions and specific conditions***Use of waste in construction (U1)**

## 1.—(1) The use of relevant waste in construction.

(2) The tables specifying relevant waste for the purposes of this paragraph are set out below.

**Table 1**

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit</i>	<i>Additional specific conditions</i>
010102	Waste from mineral non-metalliferous excavation	5,000 tonnes	
010408	Waste gravel and crushed rock other than those mentioned in 010407		
010409	Waste sand and clays		

*Status: This is the original version (as it was originally made).*

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit</i>	<i>Additional specific conditions</i>
020202	Shellfish shells from which the soft tissue or flesh has been removed only		
101208	Waste ceramics, bricks, tiles and construction products (after thermal processing)		
101314	Waste concrete and concrete sludge		
170101	Concrete		
170102	Bricks		
170103	Tiles and ceramics		
170107	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 170106		
170506	Dredging spoil other than those mentioned in 170505		A
170508	Track ballast other than those mentioned in 170507		
191205	Glass		
191209	Minerals (for example sand, stones)		
191212	Aggregates only		

**Table 2**

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit</i>	<i>Additional specific conditions</i>
020399, 020401	Soil from cleaning and washing fruit and vegetables only	1,000 tonnes	
170302	Bituminous mixtures other than those mentioned in 170301	1,000 tonnes	B
170504	Soil and stones other than those mentioned in 170503	1,000 tonnes	
170506	Dredging spoil other than those mentioned in 170505	1,000 tonnes	
191302	Solid wastes from soil remediation other than those mentioned in 191301	1,000 tonnes	
200202	Soil and stones	1,000 tonnes	
020103	Plant tissue waste	1,000 tonnes	B
030101, 030301	Untreated waste bark, cork and wood only	1,000 tonnes	B
030105	Untreated wood including sawdust, shavings and cuttings from untreated wood only	1,000 tonnes	B
170201	Untreated wood only	1,000 tonnes	B
191207	Untreated wood other than those mentioned in 191206 only	1,000 tonnes	B
200138	Untreated wood other than those mentioned in 200137 only	1,000 tonnes	B

**Table 3**

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit</i>	<i>Additional specific conditions</i>
170302	Bituminous mixtures other than those mentioned in 170301	50,000 tonnes	C
170504	Road sub base only		C

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) where the relevant waste falls within the first column of a table in sub-paragraph (2), the total quantity of waste used or stored over any 3-year period does not exceed the limit indicated in the third column of that table,
- (b) where one or more waste type falling within the first column of any one table in sub-paragraph (2) is used or stored, the total quantity for all the waste types used or stored does not exceed the limit indicated in the third column of that table over any 3-year period,
- (c) no waste is stored for longer than 12 months prior to use, and
- (d) the operation complies with such of the following additional conditions as are specified in the fourth column of the table and for these purposes—

A	the waste is used only for drainage work carried on for the purposes of the Land Drainage Act 1991(8), the 1991 Act or the 1995 Act;
B	the waste is used only for the construction of tracks, paths, bridleways or car parks and must be processed into chipped form prior to use;
C	the waste is used only for the construction of roads.

### **Use of baled end-of-life tyres in construction (U2)**

2.—(1) The use of relevant waste in construction.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
160103	Baled end-of-life tyres only

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste used or stored during the construction does not exceed 50 tonnes of baled tyres,
- (b) the waste is not used more than once,
- (c) the bales comply with standard PAS108, and
- (d) no waste is stored for longer than 3 months prior to use.

### **Use of waste in the construction of entertainment or educational installations etc. (U3)**

3.—(1) The use of relevant waste in the construction of installations, exhibits, sets or demonstrations for entertainment or educational purposes.

(8) 1991 c. 59.

*Status: This is the original version (as it was originally made).*

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste Types</i>
170102	Bricks
170103	Tiles and ceramics
170201, 200138	Wood
170203, 200139	Plastic
170401 to 170407, 170411, 200140	Metals including their alloys
200101	Paper and cardboard
200111	Textiles

(3) For the purposes of this paragraph, the specific condition is that the total quantity of waste used or stored prior to use does not exceed 20 tonnes at any one time.

#### **Burning of waste as a fuel in a small appliance (U4)**

4.—(1) The burning of relevant waste as a fuel in an appliance if the requirements in sub-paragraph (4) are met.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste Types</i>
020103, 200201	Plant tissue waste only
020107, 170201	Untreated wood only
020304	Vegetable waste unsuitable for consumption or processing
030101	Waste bark and cork
030105	Untreated sawdust and wood shavings other than those mentioned in 030104 only
030301	Waste bark and wood
030310	Fibre rejects (fibrous vegetable waste from virgin pulp preparation or paper pulp production) only
150103	Untreated wooden packaging only

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste burned over any period of 1 hour is less than 50kg,
- (b) the total quantity of waste stored at any one time does not exceed 10 tonnes, and
- (c) the waste is stored in a secure place.

(4) The requirements in this sub-paragraph are that—

- (a) the appliance has a net rated thermal input of less than 0.4 megawatts, and
- (b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

**Use of waste derived biodiesel as fuel (U5)**

5.—(1) The use of biodiesel derived from relevant waste as a fuel in a portable generator if the requirements in sub-paragraph (4) are met or in a motor vehicle and the storage of such biodiesel—

- (a) in or on a motor vehicle or in such a portable generator, or
- (b) at a place that is owned or occupied by the owner or user of the biodiesel.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste Types</i>
190210	Waste derived biodiesel only

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of biodiesel stored in or on a motor vehicle or in a portable generator at any one time does not exceed 1,000 litres,
- (b) the total quantity of biodiesel stored at a place owned or occupied by the owner or user of the biodiesel at any one time does not exceed 5,000 litres, and
- (c) the biodiesel is stored with secondary containment.

(4) The requirements in this sub-paragraph are that—

- (a) the portable generator has a net rated thermal input of less than 0.4 megawatts, and
- (b) where it is used together with other portable generators (whether or not it is operated simultaneously with such other generators) the aggregate net rated thermal input of all the generators is less than 0.4 megawatts.

**Use of sludge for the purposes of re-seeding a waste water treatment plant (U6)**

6.—(1) The use of relevant waste at a waste water treatment plant for the purposes of re-seeding the plant.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste Types</i>
190805	Sludges from treatment of urban waste water
190812	Sludges from biological treatment of industrial waste water other than those mentioned in 190811

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste used or stored at the plant at any one time does not exceed 1,000 cubic metres, and
- (b) the waste was not produced at the plant.

**Use of effluent to clean a highway gravel bed (U7)**

7.—(1) The use of relevant waste from a water treatment works or a waste water treatment plant to clean a highway gravel bed.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste Types</i>
190899	Effluent only

*Status: This is the original version (as it was originally made).*

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste used over any 24-hour period does not exceed 10 cubic metres,
  - (b) the highway gravel bed has sealed drainage to ensure that the condition in paragraph (c) can be met,
  - (c) all waste used in and produced by the cleaning operation is collected, and
  - (d) the waste meets any relevant conditions specified in the environmental permit authorising the operation of the water treatment works or waste water treatment plant.

#### **Use of waste for a specified purpose (U8)**

- 8.—(1) The use of relevant waste for a specified purpose.
- (2) For the purposes of this paragraph—
- (a) the table specifying relevant waste and the limits referred to in sub-paragraph (3)(a) and (b) is set out below;
  - (b) “specified purpose” is a purpose specified in the third column of the table.

<i>Codes</i>	<i>Waste types</i>	<i>Specified purpose</i>	<i>Quantity limit (at any one time)</i>
030105, 191207	Untreated wood (including shavings, woodchip and sawdust) and over-sized compost only	Use in equestrian exercise surfaces	1,000 tonnes
191204	Shredded or granulated rubber and end-of-life tyres only	Use in equestrian exercise surfaces	1,000 tonnes
191201	Shredded paper and cardboard	Use as animal bedding	100 tonnes
030305, 030310, 030311	Paper fibre, de-inked paper pulp and de-inked paper sludge from paper manufacturing only	Use as animal bedding	100 tonnes
030105, 191207	Untreated wood (including shavings, woodchip and sawdust) and over-sized compost only	Use as animal bedding	100 tonnes
160103	End-of-life tyres	Use as a weight on cover sheeting on agricultural premises or use as crash barriers	40 tonnes
150102	Geotextile bags (flexible intermediate bulk containers) only	Use as reinforcement in construction	100 bags



<i>Codes</i>	<i>Waste types</i>	<i>Specified purpose</i>	<i>Quantity limit (at any one time)</i>
020202	Shellfish shells from which the soft tissue or flesh has been removed only	Use for ornamental purposes	50 tonnes
191205	Crushed glass only	Use for ornamental purposes	50 tonnes
200127*, 200128, 080111*, 080112	Paints (excluding specialist and industrial paints, wood preservatives, aerosol and spray paints, inks, adhesives and resins)	Use as paint	1,000 litres
190599	Compost produced for the purposes of growing mushrooms only	Use in growing mushrooms	1,000 tonnes
170102, 170904	Stones and bricks capable of being used in their existing state only	Use in construction of buildings, fencing, barriers, containment or similar above ground construction	100 tonnes
170201, 191207, 200138	Non-hazardous wood including telegraph poles and railway sleepers and lock gates and associated balance beams	Use in construction of buildings, fencing, barriers, containment or similar above ground construction	100 tonnes
110105*, 110107*	Ferric chloride and aluminium hydroxide only	Use in treating municipal waste water effluent	50 cubic metres
110105*, 110107*	Ferric chloride and aluminium hydroxide only	Use in potable water treatment processes	50 cubic metres
190902, 190903, 190906	Sludges/solutions from the treatment of water only	Use in treating municipal waste water effluent	50 cubic metres
100201, 100202, 170504, 191209	Blast furnace slag and stones only	Use as filter media at waste water treatment works	50,000 tonnes
170204*, 191206*, 200137*	Hazardous wooden telegraph poles and railway sleepers and lock gates and associated balance beams only	Use in construction of buildings, fencing, barriers, containment or similar above ground construction	100 tonnes

*Status: This is the original version (as it was originally made).*

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total amount of waste used or stored at any one time does not exceed the quantity limit specified in the fourth column,
  - (b) in relation to any relevant waste to which code 160103 applies (end-of-life tyres), within the quantity limit specified for that waste type, not more than 10 tonnes is stored together,
  - (c) the waste is not treated or required to be treated prior to use,
  - (d) in relation to any relevant waste to which code 110105\* (ferric chloride), 110107\* (aluminium hydroxide), 190902, 190903, 190906 (sludges/solutions from the treatment of water) applies, the waste is stored—
    - (i) with secondary containment, and
    - (ii) in a location with sealed drainage, and
  - (e) in relation to any relevant waste to which code 110105\* (ferric chloride), 110107\* (aluminium hydroxide) applies, within the quantity limit specified for that waste type, not more than 10 tonnes of waste may be used per day.

#### **Use of waste to manufacture finished goods (U9)**

9.—(1) The use of relevant waste to manufacture finished goods.

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity limits referred to in sub-paragraph (3)(a) is set out below.

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit (at any one time)</i>	<i>Additional specific conditions</i>
100101, 100102	Ash only	500 tonnes	A
101208	Ceramics	100 tonnes	A
101112, 150107, 191205, 200102	Glass	5,000 tonnes	A
100105	Gypsum only	500 tonnes	A
200199	Lion faeces only	5 tonnes	B
120101, 120103, 150104, 160117, 160118, 191001, 191002, 191202, 191203, 200140	Metals	500 tonnes	A
150101, 191201, 200101	Paper and cardboard	15,000 tonnes	C, D
070213, 120105, 150102, 191204, 200139	Plastics	500 tonnes	E
191204	Rubber only	30 tonnes	E, F
040221, 040222, 150109, 191208, 200110, 200111	Textiles	1,000 tonnes	B
030105, 030301, 150103, 191207, 200138	Wood, bark, cork, sawdust, shavings, cuttings, particle board	100 tonnes	B

- (3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste used or stored at any one time does not exceed the quantity limit specified in the third column of the table in sub-paragraph (2),
- (b) the waste is stored in a secure location at the place where the manufacturing is carried on,
- (c) the operation does not involve any activity falling within a description in Part A(1) or Part A(2) of Part 2 of Schedule 1, and
- (d) the operation complies with such of the following additional specific conditions as are specified in the fourth column of the table—

A	the waste is stored at a location with sealed drainage;
B	the waste is stored indoors or in a secure container;
C	the waste is stored in a baled form, in a container or indoors;
D	within the quantity limit specified in the third column of the table and notwithstanding additional specific condition C, up to 1,000 tonnes may be stored outdoors so long as it is stored in an enclosure designed and maintained to prevent the escape of litter;
E	the waste is not subject to heat treatment;
F	the total quantity of waste stored together does not exceed 10 tonnes.

(4) For the purposes of this paragraph, “finished goods” means goods that are ready for use by an end consumer without any further processing.

#### **Spreading waste on agricultural land to confer benefit (U10)**

**10.**—(1) The spreading of relevant waste on agricultural land to confer benefit to the land for the purposes of providing, maintaining or improving the soil’s ability to provide a growing medium by adding nutrients, lime or biomass.

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity and storage limits referred to in sub-paragraph (3) is set out below.

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit</i>	<i>Storage limit (at any one time)</i>	<i>Period</i>	<i>Additional specific conditions</i>
010102, 010408, 170504	Chalk only	50 tonnes per hectare	200 tonnes	12 months	A
020101	Sludges from washing and cleaning fruit and vegetables on farm only	50 tonnes per hectare	200 tonnes	12 months	A, F
020199, 020399	Untreated wash waters from cleaning fruit and vegetables on farm only	100 tonnes per hectare	200 tonnes	12 months	A, F
020305	Effluent from the on-site treatment of wash waters	100 tonnes per hectare	200 tonnes	12 months	A, F

*Status: This is the original version (as it was originally made).*

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit</i>	<i>Storage limit (at any one time)</i>	<i>Period</i>	<i>Additional specific conditions</i>
	from cleaning fruit and vegetables on farm only				
020401, 020399	Soil from cleaning and washing fruit and vegetables only	50 tonnes per hectare	200 tonnes	12 months	A
020199	Milk from agricultural premises only	50 cubic metres of diluted milk per hectare	200 tonnes	24 hours	A, B, E
100101	Ash from wood chip boilers produced pursuant to an operation described in paragraph U4 only	1 tonne per hectare	10 tonnes	12 months	A
170506	Dredging spoil (other than those mentioned in 170505) generated from the creation or maintenance of habitats, ditches or ponds within parks, gardens, fields and forests only	150 tonnes per hectare	1,250 tonnes	12 months	C
020199	Spent compost from the growing of mushrooms only	50 tonnes per hectare	500 tonnes	12 months	A
190599	Compost produced pursuant to a treatment described in paragraph T23 or T26 only	50 tonnes per hectare	500 tonnes	12 months	A
190604	Digestate produced pursuant to	50 tonnes per hectare	200 tonnes	12 months	A

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit</i>	<i>Storage limit (at any one time)</i>	<i>Period</i>	<i>Additional specific conditions</i>
	a treatment described in paragraph T24 or T25 only				
190812	Waste consisting of biobed or biofilter material produced pursuant to a treatment described in paragraph T32 only	50 tonnes per hectare	200 tonnes	12 months	A, D

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste spread does not exceed the limit specified in the third column of the table in sub-paragraph (2) over the period specified in the fifth column,
- (b) the total quantity of waste stored at any one time does not exceed the limit specified in the fourth column of the table,
- (c) subject to additional specific conditions D and E in paragraph (f), where they apply, no waste is stored for longer than 12 months prior to spreading,
- (d) the waste is stored in a secure location prior to spreading,
- (e) at the time the spreading begins—
  - (i) the land has not been frozen for 12 or more hours in the preceding 24 hours,
  - (ii) the land is not waterlogged, frozen or snow-covered, and
- (f) the operation complies with such of the following additional specific conditions as are specified in the sixth column of the table—

A	the location of any waste which is stored or land which is spread is at least 10 metres from a watercourse and 50 metres from a spring, well or bore-hole;
B	prior to spreading, the waste is diluted with not less than an equal quantity of water or slurry and the land is spread not more than once in any 4-week period;
C	the waste is spread adjacent to the place from which it was dredged;
D	the waste is stored for at least 12 months prior to spreading;
E	the waste is not stored for longer than 24 hours prior to spreading;
F	the waste is spread at the place where it is produced.

### **Spreading waste on non-agricultural land to confer benefit (U11)**

**11.—(1)** The spreading of relevant waste on land that is not agricultural land for the purposes of providing, maintaining or improving the soil's ability to provide a growing medium by adding nutrients, lime or bio-mass.

*Status: This is the original version (as it was originally made).*

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity and storage limits referred to in sub-paragraph (3) is set out below.

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit (over 12 months)</i>	<i>Storage limit (at any one time)</i>	<i>Additional specific conditions</i>
010102, 010408, 170504	Chalk only	50 tonnes per hectare	200 tonnes	A
020202	Shellfish shells from which the soft tissue or flesh has been removed only	50 tonnes per hectare	200 tonnes	A
020399, 020401	Soil from cleaning and washing fruit and vegetables only	50 tonnes per hectare	200 tonnes	A
100101	Ash from wood chip boilers produced pursuant to an operation de-scribed in paragraph U4 only	1 tonne per hectare	10 tonnes	A
170506	Dredging spoil (other than those mentioned in 170505) generated from the creation or maintenance of habitats, ditches or ponds within parks, gardens, fields and forests only	150 tonnes per hectare	1,250 tonnes	B
020199	Spent compost from the growing of mushrooms only	50 tonnes per hectare	500 tonnes	A
190599	Compost produced pursuant to a treatment de-scribed in paragraph T23 or T26 only	50 tonnes per hectare	500 tonnes	A
190604	Digestate produced pursuant to a treatment described in paragraph T24 or T25 only	50 tonnes per hectare	200 tonnes	A
190812	Waste consisting of biobed or biofilter material produced pursuant to a treatment described	50 tonnes per hectare	200 tonnes	A, C

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit (over 12 months)</i>	<i>Storage limit (at any one time)</i>	<i>Additional specific conditions</i>
	in paragraph T32 only			
200108	Coffee grounds only	50 tonnes per hectare	200 tonnes	A

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste spread does not exceed the limit specified in the third column of the table in sub-paragraph (2) over any 12-month period,
- (b) the total quantity of waste stored at any one time does not exceed the limit specified in the fourth column of the table,
- (c) subject to additional specific condition C in paragraph (f), where it applies, no waste is stored for longer than 12 months prior to spreading,
- (d) the waste is stored in a secure location prior to spreading,
- (e) at the time the spreading begins—
  - (i) the land has not been frozen for 12 or more hours in the preceding 24 hours;
  - (ii) the land is not waterlogged, frozen or snow-covered, and
- (f) the operation complies with such of the following additional specific conditions as are specified in the fifth column of the table—

A	the location of any waste which is stored or land which is spread is at least 10 metres from a watercourse and 50 metres from a spring, well or borehole;
B	the waste is spread adjacent to the place from which it was dredged;
C	the waste is stored for at least 12 months prior to spreading.

### **Use of mulch (U12)**

**12.—**(1) The use of relevant waste as a mulch.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste Types</i>
020103, 191207, 200201	Untreated wood and plant matter

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste used or stored over any period of 1 month does not exceed 100 tonnes, and
- (b) the waste is stored in a secure location prior to use.

### **Spreading of plant matter to confer benefit (U13)**

**13.—**(1) The spreading of relevant waste at the place of production to confer benefit.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

**Status:** This is the original version (as it was originally made).

<i>Codes</i>	<i>Waste Types</i>
020103, 020107, 020304, 200201	Plant tissue only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste spread over any 12-month period does not exceed 50 tonnes per hectare,
  - (b) at the time the spreading begins—
    - (i) the land has not been frozen for 12 or more hours in the preceding 24 hours;
    - (ii) the land is not waterlogged, frozen or snow-covered, and
  - (c) except for waste which is spread on the banks of the waters from which it was produced, no waste is spread within 50 metres of any watercourse, spring, well or borehole.

#### **Incorporation of ash into soil (U14)**

**14.**—(1) The incorporation of ash which is relevant waste into soil resulting from a qualifying operation.

- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste Types</i>
020103, 020107, 200201	Ash from burning of plant tissue only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste incorporated into soil does not exceed 10 tonnes per hectare, and
  - (b) ashes of burnt cereal, straw or cereal stubble are not allowed, without reasonable excuse, proof of which lies on the establishment or undertaking carrying on the operation, to remain on the soil for longer than 24 hours after the commencement of the burning but must be incorporated into the soil—
    - (i) within that period, or
    - (ii) in a case where, having regard to wind conditions to do so would be likely to cause nuisance, as soon as conditions allow.
- (4) For the purposes of this paragraph, a “qualifying operation” is one that—
- (a) involves the burning of cereal straw or cereal stubble,
  - (b) falls within a description in paragraph D7, and
  - (c) complies with the specific conditions specified in that paragraph and the general conditions specified in Chapter 3.

#### **Pig and poultry ash (U15)**

**15.**—(1) The spreading of relevant waste on agricultural land at the place of production.

- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste Types</i>
190112	Ash from the incineration of pig and poultry carcasses only

- (3) For the purposes of this paragraph, the specific conditions are that—



- (a) the total quantity of waste spread over any 12-month period does not exceed 150kg per hectare,
- (b) the waste is mixed with an equal volume or more of manure or slurry prior to spreading,
- (c) the waste is stored in a secure place prior to spreading,
- (d) the location of the waste which is stored or land which is spread is at least—
  - (i) 10 metres from a watercourse;
  - (ii) 50 metres from a spring, well or borehole, and
- (e) at the time of the spreading—
  - (i) the land has not been frozen for 12 or more hours in the preceding 24 hours;
  - (ii) the land is not waterlogged, frozen or snow-covered.

#### **Use of depolluted end-of-life vehicles for vehicle parts (U16)**

- 16.**—(1) The use of relevant waste for vehicle parts.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste Types</i>
160106	End-of-life vehicles, containing neither liquids nor other hazardous components
160122	Non-hazardous components from end-of-life vehicles only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) no more than two depolluted end-of-life vehicles are stored at any one time,
  - (b) in relation to relevant waste to which code 160122 (non-hazardous components from end-of-life vehicles) applies, the total quantity of waste stored at any one time does not exceed 5 cubic metres,
  - (c) the waste is stored in a secure place,
  - (d) the waste is stored on an impermeable surface, and
  - (e) the operation is for the purposes of re-using the waste.
- (4) In this paragraph—
- “depolluted” means that the vehicle has been subjected to all of the operations described in paragraph 3 of Annex 1 to the End-of-Life Vehicles Directive;
- “end-of-life vehicle” has the meaning given in paragraph 2(2)(b) of Schedule 11.

### **CHAPTER 3**

#### **Treatment of waste**

#### **SECTION 1**

##### **Introductory**

- 1.**—(1) The descriptions in this Chapter—
- (a) are set out in the first sub-paragraph of paragraphs T1 to T32, and
  - (b) include associated storage.

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(2) The specific conditions for each description in this Chapter are set out in the third sub-paragraph of paragraphs T1 to T32.

(3) The general condition for the descriptions in this Chapter is that the operation is for the purposes of recovering the waste, unless otherwise stated in the specific conditions.

## SECTION 2

### *Descriptions and specific conditions*

#### **Cleaning, washing, spraying or coating relevant waste (T1)**

1.—(1) The treatment of relevant waste by cleaning, washing, spraying or coating it, subject to sub-paragraph (4).

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
150105	Composite packaging
160120, 150107, 170202, 191205, 200102	Glass
150101	Paper and cardboard packaging
020104, 070213, 150102, 160119, 170203, 200139	Plastic
150109	Textile packaging

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste treated over any 7-day period does not exceed 300 tonnes,
- (b) subject to paragraph (e), the total quantity of waste stored at any one time does not exceed 300 tonnes,
- (c) the waste is stored and treated in a location with sealed drainage,
- (d) no waste is stored for longer than 3 months prior to treatment,
- (e) where the waste consists of containers that have been used to contain a hazardous substance, the total quantity of waste stored does not exceed 1 tonne over any 7-day period, and
- (f) the waste is not contaminated by more than 1% of its original volume prior to treatment.

(4) The description in sub-paragraph (1) does not include cleaning, washing, spraying or coating of any relevant waste if this falls within Part B of Section 6.4 of Part 2 of Schedule 1.

(5) In this paragraph, “hazardous substance” means a substance classified as hazardous as a consequence of fulfilling the criteria laid down in Parts 2 to 5 of Annex I to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures<sup>(9)</sup>.

(6) References in this paragraph to quantity limits by weight include the weight of any contamination.

<sup>(9)</sup> OJ No L 353, 31.12.2008, p 1, as last amended by Commission Regulation (EU) No 1297/2014 (OJ No L 350, 6.12.2014, p 1).

**Recovery of textiles (T2)**

- 2.—(1) The treatment of relevant waste by laundering or otherwise cleaning it.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
191208	Textiles
200110	Clothes
200111	Textiles

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste treated or stored at any one time does not exceed 20,000 tonnes, and
  - (b) the waste is treated and stored at a location with sealed drainage.

**Treatment of waste metals and metal alloys by heating for the purposes of removing grease etc. (T3)**

3.—(1) The treatment of relevant waste for the purposes of removing grease, oil or any other non-metallic contaminant by heating it in an appliance where the requirements of sub-paragraph (4) are met using a process that is not an excluded process.

- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
160117	Ferrous metal
160118	Non-ferrous metal
191001	Iron and steel waste
191002	Non-ferrous waste
191202	Ferrous metal
191203	Non-ferrous metal
200140	Metals

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste stored or treated at any one time does not exceed 10 tonnes, and
  - (b) the waste is stored in a secure location with sealed drainage.
- (4) The requirements in this sub-paragraph are that—
- (a) the appliance has a net rated thermal input of less than 0.2 megawatts, and
  - (b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.2 megawatts.
- (5) The processes that are excluded processes for the purposes of sub-paragraph (1) are—
- (a) the removal by heat of plastic or rubber covering from scrap cable or any asbestos contaminant,

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- (b) a process that is an activity listed in Section 2.1 (other than paragraph (d) of Part B) of Part 2 of Schedule 1 involving the heating of iron, steel or ferrous alloy, and
- (c) a process that is an activity described in Part A(1) or A(2) of Section 2.2 of Chapter 2 of Part 2 of Schedule 1 involving the heating of any non-ferrous metal or non-ferrous metal alloy.

**Preparatory treatments (baling, sorting, shredding etc.) (T4)**

4.—(1) The treatment of relevant waste by baling, sorting, shredding, pulverising, densifying, crushing or compacting it.

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity limits referred to in sub-paragraph (3) is set out below.

<i>Codes</i>	<i>Waste types</i>	<i>Treatment limit (over 7 days)</i>	<i>Storage limit (at any one time)</i>
150104, 200140	Cans and foils only	100 tonnes where treatment is carried on outdoors 500 tonnes where treatment is carried on indoors	500 tonnes
070213, 150102, 150105	Food and drink cartons only	100 tonnes where treatment is carried on outdoors 3,000 tonnes where treatment is carried on indoors	500 tonnes
150107, 160120, 170202, 191205, 200102	Glass	5,000 tonnes	5,000 tonnes
030308, 030307, 150101, 191201, 200101	Paper and cardboard (excluding food and drink cartons)	500 tonnes where treatment is carried on outdoors 3,000 tonnes where treatment is carried on indoors	15,000 tonnes
020104, 070213, 120105, 150102, 160119, 170203, 191204, 200139	Plastic	100 tonnes where treatment is carried on outdoors 3000 tonnes where treatment is carried on indoors	500 tonnes
040222, 150109, 191208, 200110, 200111	Textiles and clothes	1,000 tonnes where treatment is carried on outdoors	1,000 tonnes

<i>Codes</i>	<i>Waste types</i>	<i>Treatment limit (over 7 days)</i>	<i>Storage limit (at any one time)</i>
		3,000 tonnes where treatment is carried on indoors	

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) subject to paragraph (d), the total quantity of waste treated over any 7-day period does not exceed the limit specified in the third column of the table in sub-paragraph (2),
- (b) the total quantity of waste stored at any one time does not exceed the limit specified in the fourth column of the table,
- (c) no waste is stored for longer than 12 months,
- (d) where the treatment involves pulverising waste—
  - (i) the total quantity of waste treated over any 7-day period does not exceed 5 tonnes;
  - (ii) the treatment is carried on indoors,
- (e) where the treatment involves densifying waste, the treatment does not involve the application of heat,
- (f) the treatment and storage are carried on in a secure place,
- (g) the waste arrives at the place where the operation is carried on unmixed with any other type of waste,
- (h) the waste is treated and stored in an unmixed state, and
- (i) in relation to relevant waste to which any one of codes 030308, 030307, 150101, 191201, 200101 (paper and cardboard) applies—
  - (i) the waste is stored in a baled form, in a container or indoors;
  - (ii) within the storage limit specified in the fourth column of the table, up to 1,000 tonnes may be stored outdoors so long as it is stored in an enclosure designed and maintained to prevent the escape of litter.

### Screening and blending of waste (T5)

5.—(1) The treatment of relevant waste by screening and blending it for the purposes of producing an aggregate or soil and associated prior treatment.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
010408	Waste gravel and crushed rocks other than those mentioned in 010407
010409	Waste sand and clays
020202	Shellfish shells from which the soft tissue or flesh has been removed only
030101	Untreated waste bark and cork only
030301	Untreated waste bark and wood
100101	Bottom ash, slag and boiler dust (excluding boiler dust mentioned in 100104)

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<i>Codes</i>	<i>Waste types</i>
100115	Bottom ash, slag and boiler dust from co-incineration other than those mentioned in 100114
170101	Concrete
170102	Bricks
170103	Tiles and ceramics
170107	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 170106
170201	Untreated wood only
170302	Bituminous mixtures other than those mentioned in 170301
170504	Soil and stones other than those mentioned in 170503
170506	Dredging spoil other than those mentioned in 170505
170508	Track ballast other than those mentioned in 170507
190599	Compost produced pursuant to a treatment described in paragraphs T23 or T26 only
191205	Glass
191209	Aggregates only
191212	Gypsum recovered from construction materials only
191302	Solid wastes from soil remediation other than those mentioned in 191301
191304	Sludges from soil remediation other than those mentioned in 191303
200202	Soil and stones

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) in relation to any relevant waste to which code 170302 (bituminous mixtures other than those mentioned in 170301) applies where the treatment is for the purpose of manufacturing roadstone, the total quantity of waste treated or stored over any 3-year period does not exceed 50,000 tonnes,
- (b) in relation to relevant waste not covered by paragraph (a), the total quantity of waste treated or stored over any 3-year period does not exceed 5,000 tonnes,
- (c) no waste is stored for longer than 12 months, and
- (d) the treatment is carried on at the place—
  - (i) of production, or
  - (ii) where the treated waste is to be used.

(4) In this paragraph, “associated prior treatment” means crushing relevant waste for the purposes of screening or blending it but does not include crushing of any relevant waste which falls within Part B of Section 3.5 of Part 2 of Schedule 1 or within paragraph T7.

**Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising (T6)**

- 6.—(1) The treatment of relevant waste by chipping, shredding, cutting or pulverising it.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020103, 200201	Plant tissue waste
030101, 030301, 170201	Wood
150103	Wooden packaging only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste treated or stored over any 7-day period does not exceed 500 tonnes, and
  - (b) no waste is stored for longer than 3 months after treatment.

**Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size (T7)**

7.—(1) The treatment of relevant waste by crushing, grinding or reducing it in size but not including any treatment activity covered by paragraph (c) in Part B of Section 3.5 of Part 2 of Schedule 1.

- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
170101	Concrete
170102	Bricks
170103	Tiles and ceramics
170107	Mixtures of concrete, bricks, tiles and ceramics (other than those mentioned in 170106*)

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste treated over any period of 1 hour does not exceed 20 tonnes,
  - (b) the total quantity of waste stored at any one time does not exceed 200 tonnes,
  - (c) the waste is stored in a secure place prior to treatment,
  - (d) the treatment is carried on—
    - (i) at the place of production, or
    - (ii) at the place where the treated waste is to be used, and
  - (e) the operation does not result in the release into the air of a substance listed in paragraph 6(3) of Part 1 of Schedule 1 except in a quantity which is so trivial that it is incapable of causing pollution or its capacity to cause pollution is insignificant.

**Mechanical treatment of end-of-life tyres (T8)**

8.—(1) The treatment of end-of-life tyres, including such tyres in a shredded or granulated form that are relevant waste by a relevant treatment operation and associated prior treatment.

**Status:** This is the original version (as it was originally made).

(2) The table specifying relevant waste and relevant treatment operations for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>	<i>Relevant treatment operation</i>
160103	End-of-life tyres	Granulating, baling, peeling, shaving, shredding and re-treading of tyres
191204	Shredded or granulated end-of-life tyres only	Granulating

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste stored or treated over any 7-day period does not exceed—
  - (i) 60 tonnes of truck tyres, or
  - (ii) 40 tonnes of any other tyres,
- (b) within the limits in paragraph (a), the total quantity stored together does not exceed 10 tonnes,
- (c) in relation to any relevant treatment operation that is granulating, the treatment is carried on indoors, and
- (d) in relation to any relevant treatment operation that is re-treading, the treatment is for the purposes of re-using the waste.

(4) In this paragraph, “associated prior treatment” means cleaning tyres and separating rims from them prior to treatment.

### **Recovery of scrap metal (T9)**

9.—(1) The recovery of scrap metal consisting of relevant waste by—

- (a) sorting, grading, shearing by manual feed, baling or crushing it, or
- (b) cutting it with hand-held equipment.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020110	Waste metal
150104	Metallic packaging
160117, 191202	Ferrous metal
160118, 191203	Non-ferrous metal
170401	Copper, bronze, brass
170402	Aluminium
170403	Lead
170404	Zinc
170405	Iron and steel
170406	Tin
170407	Mixed metals



<i>Codes</i>	<i>Waste types</i>
170411	Cables other than those mentioned in 170410
200140	Metals

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste treated or stored at any one time does not exceed 1,000 tonnes,
  - (b) within the limit in paragraph (a), the total quantity of any cables stored or treated does not exceed 50 tonnes,
  - (c) no waste is stored for longer than 24 months,
  - (d) the recovery is carried on at a location with sealed drainage, and
  - (e) the height of any pile or stack of waste does not exceed 5 metres.

### **Sorting mixed waste (T10)**

- 10.**—(1) The sorting of one type of relevant waste from one or more other types of relevant waste.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
150101, 200101	Paper and cardboard
150102, 200139	Plastics
150104, 200140	Metals
150105	Composite packaging
150106	Mixed packaging
150107, 200102	Glass
150109, 200110, 200111	Textiles and clothing only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste stored at any one time does not exceed 10 tonnes,
  - (b) the total quantity of waste treated over any 7-day period does not exceed 10 tonnes, and
  - (c) the waste is stored in a secure place.

### **Repair or refurbishment of WEEE (T11)**

- 11.**—(1) The treatment of WEEE that is relevant waste by repairing, refurbishing or dismantling it.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
160211*	WEEE containing CFCs, HCFCs and HFCs
160213*	WEEE containing hazardous components other than those mentioned in 160209 to 160212
160214	WEEE other than those mentioned in 160209 to 160213

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<i>Codes</i>	<i>Waste types</i>
160216	Components removed from discarded equipment other than those mentioned in 160215
200123*	WEEE containing CFCs
200135*	WEEE other than those mentioned in 200121 and 200123 containing hazardous components
200136	WEEE other than those mentioned in 200121, 200123, and 200135

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste treated or stored over any 12-month period does not exceed 1,000 tonnes,
  - (b) best available treatment, recovery and recycling techniques are used,
  - (c) the waste is stored in accordance with paragraph 1 of Annex VIII to the WEEE Directive,
  - (d) the waste is treated in accordance with paragraph 2 of Annex VIII to the WEEE Directive,
  - (e) the minimum recovery targets set out in Annex V to the WEEE Directive are met,
  - (f) the operation meets the technical requirements specified in Annex VIII to the WEEE Directive,
  - (g) in relation to any relevant waste falling within codes 160211\* (WEEE containing CFCs, HCFCs and HFCs) or 200123\* (WEEE containing CFCs), the waste is stored in such a manner so as to prevent the release of CFCs, HCFCs and HFCs,
  - (h) the waste is stored in such a manner that its environmentally sound re-use or recycling is not hindered,
  - (i) the operation is for the purposes of—
    - (i) re-using the WEEE for its original purpose,
    - (ii) re-using any dismantled components for their original purpose, or
    - (iii) dismantling the WEEE components for the purposes of recovery, and
  - (j) in relation to dismantling, any fluids are removed and further treatment carried out in accordance with Annex VII to the WEEE Directive.
- (4) In this paragraph—
- “best available treatment, recovery and recycling techniques” has the meaning given in the document published jointly by the Department for Environment, Food and Rural Affairs, the Welsh Assembly Government and the Scottish Executive on 27th November 2006, entitled “Guidance on Best Available Treatment, Recovery and Recycling Techniques (BATRRRT) and Treatment of Waste Electrical and Electronic Equipment (WEEE)”<sup>(10)</sup>;
- “CFCs” means chlorofluorocarbons;
- “HCFCs” means hydrochlorofluorocarbons;
- “HFCs” means hydrofluorocarbons;
- “treatment” does not include the degassing or capture of ozone depleting substances.

## Manual treatment of waste (T12)

12.—(1) The manual treatment of relevant waste by a relevant treatment operation.

<sup>(10)</sup> See <http://archive.defra.gov.uk/environment/waste/producer/electrical/documents/weee-batrrt-guidance.pdf>. A copy may be obtained from the Environment Agency, National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY.

(2) The table below specifies—

- (a) relevant waste for the purposes of this paragraph and relevant treatment operations,
- (b) the quantity limits referred to in sub-paragraph (3)(a), and
- (c) the additional specific conditions referred to in sub-paragraph (3)(c).

<i>Codes</i>	<i>Waste types</i>	<i>Relevant treatment operation</i>	<i>Quantity limits (at any one time)</i>	<i>Additional specific conditions</i>
200199	Bicycles only	Sorting, repairing or refurbishing	100 tonnes	A
200110, 200111	Clothing, fabrics, carpets only	Sorting, repairing or refurbishing	100 tonnes	A
200138, 200139, 200140	Coat hangers only	Sorting and dismantling	100 tonnes	B
200140	Domestic pots and pans only	Sorting and dismantling	100 tonnes	
200199	Footwear only	Sorting, repairing or refurbishing	100 tonnes	A
200307	Furniture only	Sorting, repairing or refurbishing	100 tonnes	A
200138, 200139, 200140	Garden tools only	Sorting, repairing or refurbishing	100 tonnes	A
200138, 200139, 200140	Lock gates only	Sorting and dismantling	100 tonnes	
200307	Mattresses only	Sorting and dismantling	5 tonnes	B, C
170102, 170201, 170904, 200138	Stone, bricks, wood only	Sorting, repairing or refurbishing	500 tonnes	A
200137*, 200138, 200140	Telegraph poles only	Sorting and dismantling	100 tonnes	B
170201, 170202, 170203, 200102, 200138, 200139, 200140	Windows, doors only	Sorting, repairing or refurbishing	100 tonnes	A
170201, 170202, 170203, 200102, 200138, 200139, 200140	Windows, doors only	Sorting and dismantling	10 tonnes	B
150103	Wooden pallets only	Sorting, repairing or refurbishing	100 tonnes	A
150103	Wooden pallets only	Sorting and dismantling	100 tonnes	B

(3) For the purposes of this paragraph, the specific conditions are that—

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- (a) the total quantity of waste treated or stored at any one time does not exceed the limit specified in the fourth column of the table in sub-paragraph (2),
- (b) subject to additional specific condition B in paragraph (c), where it applies, no waste is stored for longer than 2 years, and
- (c) the operation complies with such of the following additional specific conditions as is specified in the fifth column of the table—

A	the operation is for the purposes of reusing the waste;
B	no waste is stored for longer than 12 months;
C	treatment and storage are carried on indoors.

### **Treatment of waste food (T13)**

**13.**—(1) The treatment of waste food that is relevant waste by decanting or unwrapping it, bulking it up and sorting it.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020304, 020501, 020601, 020704	Materials unsuitable for consumption or processing
200199	Non liquid foods unsuitable for consumption or processing only

- (3) For the purposes of this paragraph, the specific conditions are that—
  - (a) the total quantity of waste treated or stored at any one time does not exceed 30 tonnes,
  - (b) the treatment and storage are carried on—
    - (i) indoors;
    - (ii) in a secure place,
  - (c) no waste is stored for longer than 7 days,
  - (d) in relation to relevant waste specified in the first row of the table in sub-paragraph (2), where that is milk only, the operation is carried on in a dairy which has sealed drainage, and
  - (e) any resultant waste packaging is bulked up for the purposes of recovery.

### **Crushing and emptying waste vehicle oil filters (T14)**

**14.**—(1) The treatment of waste vehicle oil filters consisting of relevant waste by crushing and emptying them.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
160107*	Oil filters

- (3) For the purposes of this paragraph, the specific conditions are that—
  - (a) the total quantity of waste stored after treatment does not exceed 1 tonne of crushed and emptied oil filters at any one time,
  - (b) the treatment is carried on at the place of production,
  - (c) the equipment used to treat the waste is—

- (i) designed for the purposes of crushing oil filters;
- (ii) designed and maintained to ensure that oil does not escape during treatment, and
- (d) the treatment takes place as soon as practicable after the oil filter is removed from a vehicle.

#### **Treatment of waste aerosol cans (T15)**

**15.**—(1) The treatment of empty used waste aerosol cans consisting of relevant waste by puncturing and crushing them.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
160504*	Aerosol cans containing residues of or contaminated by hazardous substances only
160505	Aerosol cans only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste treated or stored in any 12-month period does not exceed 3,000 cans,
  - (b) the waste is stored in a secure location in vented containers prior to treatment,
  - (c) the treatment and storage are carried on—
    - (i) at the place of production;
    - (ii) in a well-ventilated area, and
  - (d) the equipment used to treat the waste is designed for that purpose.

#### **Treatment of waste toner cartridges and waste ink cartridges by sorting, dismantling, cleaning or refilling (T16)**

**16.**—(1) The treatment of waste toner cartridges and waste ink cartridges consisting of relevant waste by sorting, dismantling, cleaning or refilling them.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
080313	Waste ink other than that mentioned in 080312*
080318	Waste printing toner other than those mentioned in 080317
150102	Plastic packaging
160216	Cartridges taken from discarded equipment other than those mentioned in 160215 only
200139	Plastics

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste treated or stored at any one time does not exceed 150 tonnes, and
  - (b) the treatment is carried on—
    - (i) indoors;
    - (ii) at a location with sealed drainage.

*Status: This is the original version (as it was originally made).*

### Crushing waste fluorescent tubes (T17)

- 17.—(1) The crushing of relevant waste for the purposes of volume reduction prior to collection.  
(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
200121*	Fluorescent tubes only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the fluorescent tubes were used or intended to be used by the producer of the waste before becoming waste,
  - (b) the crushing is carried out by the producer of the waste at the place of production,
  - (c) the total quantity of waste crushed does not exceed 2 tonnes per year,
  - (d) the equipment used for crushing is owned by the producer,
  - (e) the mercury exposure limit is not exceeded,
  - (f) best available treatment, recovery and recycling techniques are used,
  - (g) the waste is stored in accordance with paragraph 1 of Annex VIII to the WEEE Directive, and
  - (h) the waste is crushed in accordance with paragraph 2 of Annex VIII to the WEEE Directive.
- (4) In this paragraph—
- “best available treatment, recovery and recycling techniques” has the meaning given in paragraph 11(4) of this Section;
- “mercury exposure limit” means the workplace exposure limit for mercury set out in the document entitled “EH/40/2005 Workplace Exposure Limits” (second edition) issued by the Health and Safety Executive and published in 2011<sup>(11)</sup>.

### Dewatering using flocculants (T18)

- 18.—(1) The treatment of relevant waste by dewatering using flocculants.  
(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
010409	Clay effluent resulting from the manufacture of ceramics only
080120	Water based paint wash waters only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste stored or treated at any one time does not exceed 30,000 litres, and
  - (b) the waste is stored in a container with secondary containment.

### Physical and chemical treatment of waste edible oil and fat to produce biodiesel (T19)

- 19.—(1) The physical and chemical treatment of relevant waste for the purposes of producing biodiesel.

<sup>(11)</sup> See <http://www.hse.gov.uk/pubns/priced/eh40.pdf>. A copy may be obtained by writing to Health and Safety Executive Books at PO Box 1999, Sudbury, Suffolk CO10 2WA or via <https://books.hse.gov.uk/hse/public/home.jsf>.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
200125	Edible oil and fat

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste physically treated or stored at any one time does not exceed 5,000 litres,
- (b) the total quantity of waste chemically treated at any one time does not exceed 250 litres,
- (c) the waste is treated and stored in a container with secondary containment,
- (d) no waste is stored for longer than 3 months, and
- (e) the operation is for the purpose of reusing the waste.

#### **Treatment of waste at a water treatment works (T20)**

**20.**—(1) The treatment of relevant waste at a water treatment works.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
190902	Sludges from water clarification
190903	Sludges from decarbonation
190906	Solutions and sludges from regeneration of ion exchangers
190999	Waste water and bore hole flushings only

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste treated at the works over any period of 12 months does not exceed 10,000 cubic metres, and
- (b) the waste is treated and stored in a secure location with sealed drainage.

#### **Recovery of waste at a waste water treatment works (T21)**

**21.**—(1) The recovery of relevant waste at a waste water treatment works.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
190801	Screenings
190802	Sewage grit (waste from desanding) only
190805	Sludges from treatment of urban waste water
190899	Centrate liquor only
190902	Sludges from water clarification
190903	Sludges from decarbonation
190906	Solutions and sludges from regeneration of ion exchangers
200304	Septic tank sludge

**Status:** This is the original version (as it was originally made).

<i>Codes</i>	<i>Waste types</i>
200306	Waste from sewage cleaning
200399	Cesspool waste and other sewage sludge only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste brought to the works over any period of 12 months does not exceed 100,000 cubic metres, and
  - (b) the waste is treated and stored in a secure location with sealed drainage.

#### **Recovery of central heating oil by filtration**

- 22.**—(1) The recovery of central heating oil by filtering relevant waste.  
 (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
130701*	Central heating oil only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste treated over any 7-day period does not exceed 400 litres,
  - (b) the waste is stored with secondary containment,
  - (c) the treatment is carried on at a location with sealed drainage, and
  - (d) the operation is for the purpose of reusing the waste.

#### **Aerobic composting and associated prior treatment (T23)**

- 23.**—(1) The treatment of relevant waste by aerobic composting and associated prior treatment.  
 (2) The tables specifying relevant waste for the purposes of this paragraph are set out below.

**Table 1**

<i>Codes</i>	<i>Waste types</i>
170506	Plant tissue waste from inland waters only
020103, 200201	Plant tissue waste
020106	Horse manure and farmyard manure only
020107	Biodegradable waste from forestry only
020199	Fully biodegradable animal bedding
200101	Paper and cardboard
200201	Biodegradable waste plant matter only

**Table 2**

<i>Codes</i>	<i>Waste types</i>
020202	Animal tissue waste
020501, 020601	Materials unsuitable for consumption or processing



<i>Codes</i>	<i>Waste types</i>
200108	Biodegradable kitchen and canteen waste
200302	Biodegradable waste from markets only

- (3) For the purposes of this paragraph, the specific conditions are—
- (a) the total quantity of waste treated or stored at any one time does not exceed 80 tonnes where—
    - (i) the operation is carried on at the place of production, and
    - (ii) the treated waste is being or is to be used at that place,
  - (b) the total quantity of waste treated or stored at any one time does not exceed 60 tonnes where—
    - (i) the waste is produced at a place other than where the operation is carried on, or
    - (ii) the treated waste is not to be used at the place where the operation is carried on,
  - (c) within the quantity limits in paragraphs (a) and (b), the waste does not consist at any one time of more than the following quantities—
    - (i) 10 tonnes of paper or cardboard;
    - (ii) 20 tonnes of manure;
    - (iii) 10 tonnes of any relevant waste listed in Table 2,
  - (d) in relation to relevant waste listed in Table 1, no waste is stored for longer than 1 month prior to treatment,
  - (e) in relation to relevant waste listed in Table 2, no waste is stored for longer than 7 days prior to treatment,
  - (f) no waste is stored for a period of longer than 12 months after treatment, and
  - (g) the treatment results in a stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land.
- (4) In this paragraph—
- “aerobic composting” means the autothermic and thermophilic biological decomposition and stabilisation of biodegradable waste under controlled conditions that are aerobic;
- “associated prior treatment” means screening, chipping, shredding, cutting, pulverising or sorting waste for the purposes of aerobic composting.

#### **Anaerobic digestion at premises used for agriculture and burning of resultant biogas (T24)**

**24.—**(1) The treatment by anaerobic digestion of relevant waste at premises used for agriculture and associated prior treatment and the burning of any resultant biogas.

- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020103, 020107, 170506, 200201	Plant tissue waste
020106	Horse and farmyard manure, slurry only
020199	Fully biodegradable animal bedding

- (3) For the purposes of this paragraph, the specific conditions are that—

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- (a) the total quantity of waste treated or stored at any one time does not exceed 1,250 cubic metres,
- (b) the minimum retention time for the waste in the digester is 28 days, and
- (c) any gas resulting from the operation is collected and then burnt in an appliance—
  - (i) where the requirements of sub-paragraph (5) are met, and
  - (ii) the appliance is for the purposes of producing energy.
- (4) In this paragraph, “associated prior treatment” means screening, chipping, shredding, cutting, pulverising or sorting waste for the purposes of anaerobic digestion.
- (5) The requirements in this sub-paragraph are that—
  - (a) the appliance has a net rated thermal input of less than 0.4 megawatts, and
  - (b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

**Anaerobic digestion at premises not used for agriculture and burning of resultant biogas (T25)**

25.—(1) The treatment by anaerobic digestion of relevant waste at premises not used for agriculture and associated prior treatment and the burning of any resultant biogas.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020103, 020107, 170506, 200201	Plant tissue waste
020106	Horse and farmyard manure only
020199	Fully biodegradable animal bedding
200101	Paper and cardboard
200108	Biodegradable kitchen and canteen waste
020202	Animal tissue waste
020501, 020601	Materials unsuitable for consumption or processing
200302	Biodegradable waste from markets only

- (3) For the purposes of this paragraph, the specific conditions are that—
  - (a) the total quantity of waste treated or stored at any one time does not exceed 50 cubic metres,
  - (b) the minimum retention time for the waste in the digester is 28 days, and
  - (c) any gas resulting from the operation is collected and then burnt in an appliance—
    - (i) where the requirements of sub-paragraph (5) are met, and
    - (ii) the appliance is for the purposes of producing energy.
  - (4) In this paragraph, “associated prior treatment” means screening, chipping, shredding, cutting, pulverising or sorting waste for the purposes of anaerobic digestion.
  - (5) The requirements in this sub-paragraph are that—
    - (a) the appliance has a net rated thermal input of less than 0.4 megawatts, and

- (b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

#### **Treatment of kitchen waste in a wormery (T26)**

- 26.**—(1) The treatment in a wormery of relevant waste originating from a kitchen.  
(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
200101	Paper and cardboard
200108	Biodegradable kitchen and canteen waste

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste treated over any 12-month period does not exceed 6 tonnes, and
  - (b) the treatment results in a stable sanitised vermicompost that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land.

#### **Treatment of sheep dip using organophosphate-degrading enzyme (T27)**

- 27.**—(1) The treatment of used organophosphate sheep dip consisting of relevant waste for the purposes of its disposal.  
(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020109	Organophosphate sheep dip only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) total quantity of waste treated or stored over any 24-hour period does not exceed 8,000 litres,
  - (b) the waste is treated using organophosphate-degrading enzyme in accordance with the enzyme manufacturer's instructions,
  - (c) the treatment and storage are carried on at the place of production, and
  - (d) the treatment is carried on in a secure container located within a drain pen or in a secure sheep dip bath.
- (4) In this paragraph, “drain pen” means an impermeable area draining back to the sheep dip bath where newly-dipped sheep are held while they continue to drip.

#### **Sorting and de-naturing of controlled drugs for disposal (T28)**

- 28.**—(1) The treatment of controlled drugs consisting of relevant waste by sorting and de-naturing them prior to their disposal.  
(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
180109	Medicines from natal care, diagnosis, treatment or prevention of disease in humans

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<i>Codes</i>	<i>Waste types</i>
180208	Medicines from research, diagnosis, treatment or prevention of disease involving animals
200132	Medicines separately collected as municipal waste

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste treated or stored at any one time does not exceed 1 cubic metre,
- (b) the treatment and storage are carried on at the place of production, and
- (c) no waste is stored for longer than 6 months.

(4) In this paragraph, “controlled drug” means a controlled drug specified in Schedules 1 to 5 to the Misuse of Drugs Regulations 2001<sup>(12)</sup>.

#### **Treatment of non-hazardous pesticide washings by carbon filtration for disposal (T29)**

**29.**—(1) The treatment of non-hazardous pesticide washings that are relevant waste by carbon filtration for the purposes of disposal.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020109, 160509	Non-hazardous pesticide washings only

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste treated or stored over any 24-hour period does not exceed 8,000 litres,
- (b) the treatment and storage are carried on at the place of production, and
- (c) the treatment is carried on in a location with sealed drainage.

#### **Recovery of silver (T30)**

**30.**—(1) The recovery of silver from relevant waste produced in connection with printing or photographic processes.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
090106*	Wastes containing silver from on-site treatment of photographic wastes
090107	Photographic film or paper containing silver or silver compounds

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste stored or treated at any one time does not exceed 1,000 litres, and
- (b) the treatment and storage are carried on in a location with sealed drainage.

<sup>(12)</sup> S.I. 2001/3998; relevant amending instruments are S.I. 2003/1432, 2005/1653, 2864, 3372, 2007/2154, 2009/3136, 2010/1144, 1799, 2011/448, 2012/973, 1311, 2013/176, 625, 2014/1275, 1377, 3277, 2015/231 and 891.

**Recovery of monopropylene glycol from aircraft antifreeze fluids (T31)**

**31.**—(1) The recovery of monopropylene glycol by filtering and distilling relevant waste collected following de-icing of aircraft.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
160115	Antifreeze fluids other than those mentioned in 160114

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste treated or stored over any 7-day period does not exceed 250 cubic metres,
- (b) the waste is treated in a location with sealed drainage,
- (c) the operation is carried on at the place where the waste is produced, and
- (d) the waste is stored with secondary containment.

**Treatment of waste in a biobed or biofilter (T32)**

**32.**—(1) The treatment of relevant waste in a lined biobed or above ground biofilter.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020109, 160509	Non-hazardous pesticide washings only

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste treated or stored over any 12-month period does not exceed 15,000 litres,
- (b) the biobed or biofilter is located at a secure place that is—
  - (i) at least 10 metres from a watercourse;
  - (ii) at least 50 metres from a spring or well or from any borehole not used to supply water for domestic or food production purposes;
  - (iii) at least 250 metres from any borehole used to supply water for domestic or food production purposes;
  - (iv) not within a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction that is used to supply water for domestic or food production purposes,
- (c) the biobed or biofilter—
  - (i) is designed and maintained for the treatment operation;
  - (ii) has an impermeable lining, and
- (d) the treatment is carried on at the place of production.

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## CHAPTER 4

### Disposal of waste

#### SECTION 1

##### *Introductory*

1.—(1) The descriptions in this Chapter—

- (a) are set out in the first sub-paragraph of paragraphs D1 to D8, and
- (b) include associated storage.

(2) The specific conditions for each description in this Chapter are set out in the third sub-paragraph of paragraphs D1 to D8.

(3) The general condition for all descriptions in this Chapter is that the operation is carried on at the place of production.

#### SECTION 2

##### *Descriptions and specific conditions*

#### **Deposit of waste from dredging of inland waters (D1)**

1.—(1) The deposit of relevant waste arising from the dredging of inland waters and associated screening and dewatering.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
170506	Dredging spoil other than those mentioned in 170505

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste deposited or treated over any 12-month period does not exceed 50 cubic metres for each metre of land on which the waste is deposited, and
- (b) the waste is deposited at the closest possible point to where the waste was produced on—
  - (i) the bank of the inland waters from which the waste was produced, or
  - (ii) such width of land adjoining the inland waters so as to enable the waste to be removed and deposited by mechanical means in one operation.

#### **Deposit of waste from a railway sanitary convenience (D2)**

2.—(1) The deposit of relevant waste on to a railway track.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
200399	Wastes from railway sanitary conveniences only

(3) For the purposes of this paragraph, the specific condition is that the total quantity of waste deposited per discharge does not exceed 25 litres.

(4) In this paragraph, “railway sanitary convenience” means a sanitary convenience or sink forming part of a vehicle used for the carriage of passengers on a railway.

**Deposit of waste from a portable sanitary convenience (D3)**

- 3.—(1) The deposit of relevant waste by burying it.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
200399	Waste from portable sanitary conveniences only

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the total quantity of waste deposited over any 12-month period does not exceed 1 cubic metre, and
  - (b) no waste is deposited within—
    - (i) 10 metres of any watercourse,
    - (ii) 50 metres of any spring, well or borehole.

**Deposit of agricultural waste consisting of plant tissue under a Plant Health notice (D4)**

- 4.—(1) The deposit of agricultural waste that is relevant waste.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020103	Plant tissue waste

- (3) For the purposes of this paragraph, the specific conditions are that—
- (a) the deposit is required under a Plant Health notice,
  - (b) where waste is deposited into a pile, the pile—
    - (i) does not exceed 250 tonnes, and
    - (ii) is not immediately adjacent to another pile of the same type of waste,
  - (c) at the time the deposit is made—
    - (i) the land has not been frozen for 12 or more hours in the preceding 24 hours;
    - (ii) the land is not waterlogged, frozen or snow-covered, and
  - (d) no waste is deposited within—
    - (i) 10 metres of any watercourse;
    - (ii) 50 metres of any spring, well or borehole.

**Depositing samples of waste for the purposes of testing or analysing them (D5)**

- 5.—(1) The deposit and subsequent storage of relevant samples of waste at any place where the samples are being or are to be tested or analysed.
- (2) For the purposes of sub-paragraph (1), “relevant samples of waste” means samples of waste that are taken—
- (a) in the exercise of any power under—
    - (i) the Control of Pollution Act 1974(13);

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(13) 1974 c. 40.

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- (ii) section 5 of the Control of Pollution (Amendment) Act 1989<sup>(14)</sup>;
- (iii) the 1990 Act;
- (iv) the 1991 Act;
- (v) the Water Industry Act 1991<sup>(15)</sup>;
- (vi) the Waste Electrical and Electronic Equipment Regulations 2013<sup>(16)</sup>;
- (vii) the Producer Responsibility Obligations (Packaging Waste) Regulations 2007<sup>(17)</sup>;
- (viii) regulation 88 of the Waste Batteries and Accumulators Regulations 2009<sup>(18)</sup>,
- (b) by or on behalf of the holder of an environmental permit,
- (c) by or on behalf of a person carrying on in relation to the waste—
  - (i) an operation described in this Part, or
  - (ii) an excluded waste operation,
- (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(1) or (1A) of the 1990 Act<sup>(19)</sup> applies in connection with that person's duties under that section,
- (f) by or on behalf of any person to whom the Transfrontier Shipment of Waste Regulations 2007<sup>(20)</sup> apply in connection with that person's powers under those Regulations, or
- (g) for the purposes of research.
- (3) For the purposes of this paragraph, the specific conditions are that—
  - (a) the total quantity of waste deposited or stored at any one time does not exceed 10 tonnes, and
  - (b) the waste is not stored for longer than 12 months or such other period as may be ordered in court proceedings.

#### **Disposal by incineration (D6)**

6.—(1) The disposal by incineration of the waste described in sub-paragraph (2) in a small waste incineration plant where the requirements in sub-paragraph (4) are met.

(2) The waste described in this paragraph is the waste mentioned in Article 42(2)(a)(i) and (iii) of the Industrial Emissions Directive.

- (3) For the purposes of this paragraph, the specific conditions are that—
  - (a) the total quantity of waste stored prior to incineration does not exceed 5 tonnes at any one time, and
  - (b) the operation is carried on by the person who produced the waste.
- (4) The requirements in this sub-paragraph are—
  - (a) the small waste incineration plant has a capacity of less than 50kg per hour and a net rated thermal input of less than 0.4 megawatts, and

<sup>(14)</sup> 1989 c. 14; section 5 was substituted, together with section 5A, by section 37 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).

<sup>(15)</sup> 1991 c. 56.

<sup>(16)</sup> S.I. 2013/3113, amended by S.I. 2014/1771, 2015/1968 and 2016/738.

<sup>(17)</sup> S.I. 2007/871, amended by S.I. 2007/3538, 2008/1941, 2010/675, 1159, 1820 (W. 177), 2849, 2011/988, 1043, 2012/3082, 2013/755 (W. 90), 1821, 1857, 2014/2890, 2016/241, 696, and 738.

<sup>(18)</sup> S.I. 2009/890, to which there are amendments not relevant to these Regulations.

<sup>(19)</sup> Section 34(1) was amended by S.I. 2000/1973, 2007/3528, 2010/675 and 2011/988. Section 34(1A) was inserted by S.I. 2009/1799 and amended by S.I. 2010/675.

<sup>(20)</sup> S.I. 2007/1711, amended by S.I. 2007/3538, 2008/9, 2010/265, 675, 1159, 2011/988, 1043 and 2014/861.



- (b) where it is used together with other small waste incineration plants (whether or not it is operated simultaneously with such other small waste incineration plants), the aggregate net rated thermal input of all the small waste incineration plants is less than 0.4 megawatts.

#### **Burning waste in the open (D7)**

- 7.—(1) The burning of relevant waste on open land.  
(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020103, 020107, 200201	Plant tissue
030105	Sawdust, shavings and cuttings from untreated wood only
030301	Waste bark and wood

- (3) For the purposes of this paragraph, the specific conditions are that—  
(a) the total quantity of waste burned over any period of 24 hours does not exceed 10 tonnes,  
(b) the total quantity of waste stored at any one time does not exceed 20 tonnes, and  
(c) no waste is stored for longer than 6 months.

#### **Burning waste at a port under a Plant Health notice (D8)**

- 8.—(1) The burning of relevant waste at a port.  
(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
020103, 020107, 020304, 200201	Plant tissue only
150103, 200138	Wood used to wedge or support parts of cargo, including packing material, spacers and pallets only

- (3) For the purposes of this paragraph, the specific conditions are that—  
(a) the total quantity of waste burned or stored over any period of 24 hours does not exceed 10 tonnes,  
(b) the burning and storage of waste takes place in a secure place at the port where the waste was unloaded, and  
(c) the burning is required under a Plant Health notice.  
(4) In this paragraph, “port” means a port appointed by order made under section 19 of the Customs and Excise Management Act 1979<sup>(21)</sup>.

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(21) 1979 c. 2.

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## CHAPTER 5

Storage of waste other than at the place of production pending its recovery or re-use

### SECTION 1

#### Introductory

1.—(1) The descriptions in this Chapter are set out in the first sub-paragraph of paragraphs S1 to S3.

(2) The specific conditions for each of the descriptions in this Chapter are set out in the third sub-paragraph of paragraphs S1 to S3.

(3) The general conditions for all descriptions in this Chapter are that the storage is carried on—

- (a) at a place other than the place of production, and
- (b) pending the recovery of the waste.

### SECTION 2

#### Storage of waste

#### Storage of waste in secure containers (S1)

1.—(1) The storage of relevant waste at a place in a secure container or containers for the purposes of its recovery elsewhere.

(2) The table specifying relevant waste for the purposes of this paragraph and the storage limits referred to in sub-paragraph (3) is set out below.

<i>Codes</i>	<i>Waste types</i>	<i>Storage limit (at any one time)</i>
130109* to 130113* 130204* to 130208* 130401* to 130403* 130701*	Waste oils	3 cubic metres
150101, 200101	Cartons	400 cubic metres
150102, 200139	Plastics and plastic packaging	400 cubic metres
150104, 200140	Cans and foil only	400 cubic metres
150101, 200101	Paper and cardboard	400 cubic metres
150107, 200102	Glass	400 cubic metres
150109, 200110, 200111	Textiles and clothes	400 cubic metres
150202*	Absorbents, filter materials (including oil filters not otherwise specified) wiping cloths, protective clothing contaminated by hazardous substances	3 cubic metres

<i>Codes</i>	<i>Waste types</i>	<i>Storage limit (at any one time)</i>
150203	Absorbents, filter materials, wiping cloths and protective clothing other than those mentioned in 150202	3 cubic metres
160107*	Oil filters	3 cubic metres

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste stored at any one time does not exceed the limit specified in the third column in the table in sub-paragraph (2),
- (b) the total quantity of storage containers at the storage place at any one time does not exceed 20,
- (c) no waste is stored for longer than 12 months,
- (d) the person storing the waste is the owner of the container or containers or has the consent of the owner,
- (e) in respect of any waste oils and waste to which code 160107\* (oil filters) applies, the waste is stored with secondary containment, and
- (f) each waste type is stored separately.

### **Storage of waste in a secure place (S2)**

2.—(1) The storage of relevant waste in a secure place for the purposes of its recovery elsewhere.

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity limits referred to in sub-paragraph (3) is set out below.

<i>Codes</i>	<i>Waste types</i>	<i>Storage limit (at any one time)</i>	<i>Period</i>	<i>Additional specific conditions</i>
161002	Aqueous paint related waste only	1,000 litres	6 months	A, C
160601*, 160602*, 160603*, 160604, 160605, 200133*, 200134	Batteries	10 tonnes	6 months	A, B
150104, 200140	Cans and foil only	500 tonnes	12 months	
140601*	CFCs, HCFCs and HFCs	18 tonnes	6 months	A, C
170101, 170102, 170103, 170107, 170202, 170203, 170401 to 170407, 170504, 170604, 170802	Construction and demolition waste capable of being used in its existing state (non-hazardous) only	100 tonnes	12 months	
200125	Edible oil and fat only	5,000 tonnes	12 months	A, C
100207*	Electric arc furnace dust only	2,500 tonnes	3 months	D, E, F

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<i>Codes</i>	<i>Waste types</i>	<i>Storage limit (at any one time)</i>	<i>Period</i>	<i>Additional specific conditions</i>
020104	Farm plastics (non-packaging) only	500 tonnes	12 months	D
070213, 150101, 150102, 150105, 200139	Food and drink cartons only	500 tonnes	12 months	
101112, 150107, 160120, 170202, 191205, 200102	Glass	5,000 tonnes	12 months	B
020102	Mammalian protein only	60,000 tonnes	12 months	D
020202	Mammalian tallow only	45,000 tonnes	12 months	D
200307	Mattresses only	5 tonnes	3 months	D
010408, 191209	Marble chips only	5,000 tonnes	12 months	
020304	Olive pulp/pellet only	5,000 tonnes	3 months	B, C, E
200127*, 200128, 080111*, 080112	Paints (excluding specialist and industrial paints, wood preservatives, aerosol and spray paints, inks, adhesives and resins) pending re-use as paints only	10,000 litres	6 months	A, C
150101, 191201, 200101, 030308, 030307	Paper and cardboard (excluding food and drink cartons) only	15,000 tonnes	12 months	J, K
090107, 090108	Photographic films and papers	50 tonnes	12 months	J
070213, 120105, 150102, 160119, 191204, 200139	Plastic	500 tonnes	12 months	
100101	Poultry litter ash only	3,000 tonnes	12 months	D, E
080318, 150102, 160216, 200139	Printer cartridges only	5,000 units	6 months	D
170301*, 170302, 170504	Road planings, waste road chippings, road sub-base only	500 tonnes	12 months	

<i>Codes</i>	<i>Waste types</i>	<i>Storage limit (at any one time)</i>	<i>Period</i>	<i>Additional specific conditions</i>
020110, 160117, 160118, 191203, 170401, 170402, 170403, 170404, 170405, 170406, 170407, 191202, 170411	Scrap metal	15,000 tonnes	6 months	B, E
090110, 090112, 090111*	Single use cameras	400 cubic metres	6 months	
020401, 020399	Soils from cleaning fruit and vegetables only	100 tonnes	6 months	
100316, 100405*, 100504, 100511, 100604, 100811, 100899	Solder metal, skimmings, ashes and residues	100 tonnes	3 months	G
140602*, 140603*, 200113*	Solvents and solvent mixtures	5 cubic metres	6 months	A, C
100101, 100102, 100105, 100115	Synthetic gypsum and pulverised fuel ash only	2,500 tonnes	3 months	D, E, F
040222, 150109, 191208, 200110, 200111	Textiles and clothes	1,000 tonnes	12 months	
160103, 191204	Tyres, tyre chip and crumb	40 tonnes	3 months	H
110113*, 120301*, 160708*	Waste cleaning solution containing 2% sodium metasilicate and 1-2% waste oil only	3 tonnes	3 months	A, C
160211*, 160213*, 160214, 160216, 200121*, 200123*, 200135*, 200136	WEEE	400 cubic metres	6 months	I
030301, 150102, 150103, 200138	Wine bottle corks only	500 tonnes	12 months	
030105, 170201, 170204*, 191206*, 191207, 200137*, 200138	Wood including telegraph poles and railway sleepers (hazardous and non-hazardous)	100 tonnes	12 months	030105, 170201, 170204*, 191206*, 191207, 200137*, 200138

(3) For the purposes of this paragraph, the specific conditions are that—

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- (a) the total quantity of waste stored at any one time does not exceed the limit specified in the third column of the table in sub-paragraph (2),
- (b) no waste is stored for longer than the period specified in the fourth column of the table,
- (c) each type of waste is stored separately, and
- (d) the operation complies with such of the following additional conditions as are specified in the fifth column of the table—

A	the waste is stored in a container;
B	the storage place has sealed drainage;
C	the waste is stored with secondary containment;
D	the waste is stored indoors;
E	the waste is stored at a dock prior to being exported or after being imported;
F	the waste must arrive at the storage place in bags and must be stored there in bags or in drums;
G	the waste is stored in bags or in drums;
H	the total quantity of waste stored together does not exceed 10 tonnes;
I	the waste is stored in accordance with the requirements in paragraph 1 of Annex VIII to the WEEE Directive;
J	the waste is stored in a baled form, in a container or indoors;
K	within the quantity limit specified in the third column of the table and notwithstanding additional specific condition J, up to 1,000 tonnes may be stored outdoors so long as it is stored in an enclosure designed and maintained to prevent the escape of litter.

### **Storage of sludge (S3)**

3.—(1) The storage of relevant waste.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
190805	Residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters only
200304	Residual sludge from septic tanks and other similar installations for the treatment of sewage only

(3) For the purposes of this paragraph, the specific conditions are that—

- (a) the total quantity of waste stored at any one time does not exceed 1,250 tonnes,
- (b) no waste is stored for longer than 12 months,
- (c) the waste is stored in a secure location at the place where it is to be used,
- (d) the waste is stored at least—
  - (i) 10 metres from any watercourse;
  - (ii) 50 metres from any spring or well, or from any borehole not used to supply water for domestic or food production purposes;

- (iii) 250 metres from any borehole used to supply water for domestic or food production purposes,
- (e) no waste is stored—
  - (i) within a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction that is used to supply water for domestic or food production purposes;
  - (ii) within 0.3 metres of the top of an open storage container or within 0.75 metres of the top of an earthbank tank or lagoon, and
- (f) after storage, the waste is to be used in accordance with the Sludge (Use in Agriculture) Regulations 1989<sup>(22)</sup>.

## PART 2

### Exempt water discharge activities: descriptions and conditions

#### Vegetation management activities

1.—(1) For the purpose of paragraphs 5(a)(i) and 6(a)(i) of Schedule 2, the description is cutting or uprooting a substantial amount of vegetation in any inland freshwaters or so near to any such waters that it falls into them, where it is not reasonable to take steps to remove the vegetation from those waters.

(2) For the purpose of paragraphs 5(a)(ii) and 6(a)(ii) of that Schedule, the conditions in relation to a water discharge activity described in sub-paragraph (1) are that—

- (a) prior notice of the dates of the water discharge activity is given to persons likely to be affected by such an activity, including—
    - (i) the owner of any structure within or on the watercourse,
    - (ii) the owner of any designated site within or on the watercourse,
    - (iii) fisheries interests,
    - (iv) boating interests,
    - (v) the appropriate agency,
    - (vi) the local authority,
    - (vii) the internal drainage board (which has the same meaning as in the Land Drainage Act 1991<sup>(23)</sup>), and
  - (b) the activity is not carried on if there is insufficient flow to convey the vegetation.
- (3) In sub-paragraph (2)(a)(ii), “designated site” means—
- (a) a European site (which has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2010<sup>(24)</sup>),
  - (b) a Ramsar site (which has the same meaning as in section 37A of the Wildlife and Countryside Act 1981<sup>(25)</sup>),

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<sup>(22)</sup> S.I. 1989/1263, amended by S.I. 1990/880, 1996/593, 973, 2000/656, 2010/1159, 1820 (W. 177) and 2013/755 (W. 90).

<sup>(23)</sup> 1991 c. 59.

<sup>(24)</sup> S.I. 2010/490, amended by S.I. 2012/1927; there are other amending instruments but none is relevant.

<sup>(25)</sup> 1981 c. 69; section 37A was inserted by section 77 of the Countryside and Rights of Way Act 2000 (c. 37) and was amended by paragraph 86 of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16), by paragraphs 5 and 7 of Schedule 2 to the Planning (Wales) Act 2015 (anaw. 4) and by S.I. 2013/755 (W. 90).

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- (c) a site of special scientific interest (which has the meaning given in section 52(1) of the Wildlife and Countryside Act 1981<sup>(26)</sup>), or
- (d) a nature reserve established by a local authority under section 21 of the National Parks and Access to the Countryside Act 1949<sup>(27)</sup>.

### **Small discharges of sewage effluent: Wales**

2.—(1) For the purpose of paragraph 5(a)(i) of Schedule 2, the description is the discharge from a sewage treatment plant of 5 cubic metres per day or less of sewage effluent into inland freshwaters, coastal waters or relevant territorial waters.

(2) For the purpose of paragraph 5(a)(ii) of that Schedule, the conditions in relation to a water discharge activity described in sub-paragraph (1) are—

- (a) in the case of a discharge which takes place for the first time on or after the date on which these Regulations come into force, that all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in the document entitled “Guidance for the registration of small sewage effluent discharges”, issued by the NRW and dated July 2011 and updated in September 2016<sup>(28)</sup>, in relation to—
  - (i) design and manufacturing standards,
  - (ii) construction, installation and operation specifications,
  - (iii) siting and installation, and
  - (iv) the capacity of the works and equipment;
- (b) that the discharge cannot reasonably, at the time it is first made, be made to the foul sewer;
- (c) that the discharge does not contain trade effluent;
- (d) that all works and equipment used for the treatment of sewage effluent and its discharge are maintained in accordance with the manufacturer’s specification;
- (e) that records of maintenance work are kept by the person who is the occupier of the land on which the discharge is made (“the occupier”) for at least 5 years after the work is carried out;
- (f) that the occupier must notify the exemption registration authority if an exempt water discharge activity ceases to be in operation;
- (g) that the occupier must ensure that all works and equipment used for the treatment of sewage effluent and its discharge are appropriately decommissioned when the exempt facility ceases to be in operation so that there is no risk of pollutants entering inland freshwaters or coastal waters;
- (h) that, before an occupier ceases to be in occupation of land on which an exempt water discharge activity is carried on, the occupier must give to the person who will next be in occupation of the land a written notice—
  - (i) stating that an exempt water discharge activity is being carried on on the land,
  - (ii) containing a description of the exempt facility,
  - (iii) stating the conditions that must be satisfied in relation to the exempt facility, and
  - (iv) accompanied by any records of maintenance mentioned in paragraph (e).

<sup>(26)</sup> The definition was inserted by paragraph 5(2) of Schedule 9 to the Countryside and Rights of Way Act 2000.

<sup>(27)</sup> 1949 c. 97; section 21 was amended by Schedule 30 to the Local Government Act 1972 (c. 70), by paragraphs 15(e) and 19 of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006, and by paragraph 1 of Part 1 of Schedule 2 to the Environment (Wales) Act 2016 (anaw. 3).

<sup>(28)</sup> See <https://naturalresources.wales/media/679226/guidance-for-the-registration-of-small-sewage-effluent-discharges.pdf> and <https://naturalresources.wales/media/679225/canllawiau-ar-gyfer-cofrestru-gollyngiadau-elifion-carthion-bach.pdf>. A copy may be obtained from Natural Resources Wales, c/o Customer Care Centre, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.



### **Small discharges of sewage effluent: England**

3.—(1) For the purpose of paragraph 6(a)(i) of Schedule 2, the description is the discharge from a sewage treatment plant of 5 cubic metres per day or less of sewage effluent into inland freshwaters, coastal waters or relevant territorial waters.

(2) For the purpose of paragraph 6(a)(ii) of that Schedule, the conditions in relation to a water discharge activity described in sub-paragraph (1) are that an operator of the sewage treatment plant ensures that—

- (a) all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in the document entitled “General binding rules for small sewage discharges (SSDs) with effect from January 2015” issued by the Agency and the Department for Environment, Food and Rural Affairs and published on 27th October 2014 and updated on 21st January 2015<sup>(29)</sup> in relation to—
  - (i) design and manufacturing standards,
  - (ii) construction, installation and operation specifications,
  - (iii) siting and installation, and
  - (iv) the capacity of the works and equipment;
- (b) in the case of a discharge which takes place for the first time on or after 1st January 2015, the discharge could not reasonably be made to the foul sewer;
- (c) the discharge does not contain trade effluent;
- (d) all works and equipment used for the treatment of sewage effluent and its discharge are maintained in accordance with the manufacturer’s specification;
- (e) all works and equipment used for the treatment of sewage effluent and its discharge are appropriately decommissioned when the exempt facility ceases to be in operation so that there is no risk of polluting matter entering inland freshwaters or coastal waters;
- (f) before the land or part of the land on which the sewage treatment plant is situated or being used is sold, an owner of the land or part of the land gives to the purchaser a written notice—
  - (i) stating that an exempt water discharge activity is being carried on on the land, and
  - (ii) containing a description of the exempt facility.

(3) For the purposes of this paragraph, an operator is a person who has control over the operation of the sewage treatment plant by reason of—

- (a) being an owner of the land on which the sewage treatment plant is situated or being used, or
- (b) having entered into a written agreement with the owner of the land on which the sewage treatment plant is situated or being used to be responsible for the maintenance of the sewage treatment plant.

## **PART 3**

### **Exempt groundwater activities: descriptions and conditions**

#### **Interpretation of Part 3**

##### **1. In this Part—**

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<sup>(29)</sup> See [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397173/ssd-general-binding-rules.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397173/ssd-general-binding-rules.pdf). A copy may be obtained from the Environment Agency, National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY.

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“groundwater tracer test” means a study of—

- (a) the behaviour or movement of water, or
- (b) a contaminant below ground,

which involves the addition to groundwater of a distinguishable material which has nearly identical properties to the contaminant or water being studied;

“small quantity of substance” is to be construed in accordance with the final paragraph of Article 11(3)(j) of the Water Framework Directive;

“specified groundwater remediation scheme” means a remediation scheme which involves the addition of a substance or preparation to groundwater which enhances the rate of remediation of groundwater contaminants;

“water features” includes boreholes, wells, adits, springs, seepage and wetland areas, ponds, lakes and watercourses;

“water features survey” means a survey of all water features within 1 kilometre of the proposed activity that may be affected by it.

### **Discharge of small quantities of substances for scientific purposes**

2.—(1) For the purpose of paragraphs 7(a)(i) and 8(a)(i) of Schedule 2, the description is the discharge of small quantities of substances for scientific purposes as part of—

- (a) a specified groundwater remediation scheme, or
- (b) a groundwater tracer test.

(2) For the purpose of paragraphs 7(a)(ii) and 8(a)(ii) of that Schedule, the conditions in relation to a groundwater activity of that description are—

- (a) that a water features survey has demonstrated that the discharge will not cause pollution;
- (b) that the prior consent of every person having a right to abstract water in the vicinity of the discharge has been obtained;
- (c) that the exemption registration authority is notified before the commencement of the discharge;
- (d) that in the case of discharges as part of a specified groundwater remediation scheme, monitoring of the discharge, to determine whether pollution has been caused, is undertaken.

### **Small discharges of sewage effluent: Wales**

3.—(1) For the purpose of paragraph 7(a)(i) of Schedule 2, the description is a discharge from a septic tank or sewage treatment plant of 2 cubic metres per day or less of sewage effluent that results in the input of pollutants to groundwater.

(2) For the purpose of paragraph 7(a)(ii) of that Schedule, the conditions in relation to a groundwater activity of that description are—

- (a) in the case of a discharge which takes place for the first time on or after the date on which these Regulations come into force, that all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in the document entitled “Guidance for the registration of small sewage effluent discharges”, issued by the NRBW and dated July 2011 and updated in September 2016, in relation to—
  - (i) design and manufacturing standards,
  - (ii) construction, installation and operation specifications,
  - (iii) siting and installation of infiltration systems, and

- (iv) the capacity of the works and equipment;
- (b) that the discharge cannot reasonably, at the time it is first made, be made to the foul sewer;
- (c) that the discharge does not contain trade effluent;
- (d) that the discharge does not result in an input of pollutants to groundwater—
  - (i) within 50 metres of a point at which water is abstracted from underground strata, or
  - (ii) within a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes;
- (e) that all works and equipment used for the treatment of sewage effluent and its discharge are maintained in accordance with the manufacturer's specification;
- (f) that records of maintenance work are kept by the person who is the occupier of the land on which the discharge is made ("the occupier") for at least 5 years after the work is carried out;
- (g) that the occupier must notify the exemption registration authority if an exempt groundwater activity ceases to be in operation;
- (h) that the occupier must ensure that all works and equipment for the treatment of sewage effluent and its discharge are appropriately decommissioned when the exempt facility ceases to be in operation so that there is no risk of pollutants entering groundwater;
- (i) that before an occupier ceases to be in occupation of land on which an exempt groundwater activity is carried on, the occupier must give to the person who will next be in occupation of the land a written notice—
  - (i) stating that an exempt groundwater activity is being carried on on the land,
  - (ii) containing a description of the exempt facility,
  - (iii) stating the conditions that must be satisfied in relation to the exempt facility, and
  - (iv) accompanied by any records of maintenance mentioned in paragraph (f).

#### **Small discharges of sewage effluent: England**

4.—(1) For the purpose of paragraph 8(a)(i) of Schedule 2, the description is a discharge from a septic tank or sewage treatment plant of 2 cubic metres per day or less of sewage effluent that results in the input of pollutants to groundwater.

(2) For the purpose of paragraph 8(a)(ii) of that Schedule, the conditions in relation to a groundwater activity of that description are that an operator of the septic tank or sewage treatment plant ensures that—

- (a) all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in the document entitled "General binding rules for small sewage discharges (SSDs) with effect from January 2015" issued by the Agency and the Department for Environment, Food and Rural Affairs and published on 27th October 2014 and updated on 21st January 2015 in relation to—
  - (i) design and manufacturing standards,
  - (ii) construction, installation and operation specifications,
  - (iii) siting and installation of infiltration systems, and
  - (iv) the capacity of the works and equipment;
- (b) in the case of a discharge which takes place for the first time on or after 1st January 2015, the discharge could not reasonably be made to the foul sewer;

- (c) the discharge does not contain trade effluent;
- (d) the discharge does not result in an input of pollutants to groundwater—
  - (i) within 50 metres of a point at which water is abstracted for domestic or food production purposes from underground strata, or
  - (ii) within a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes;
- (e) all works and equipment used for the treatment of sewage effluent and its discharge are maintained in accordance with the manufacturer's specification;
- (f) all works and equipment for the treatment of sewage effluent and its discharge are appropriately decommissioned when the exempt facility ceases to be in operation so that there is no risk of pollutants entering groundwater;
- (g) before the land or part of the land on which the septic tank or sewage treatment plant is situated or being used is sold, an owner of the land or part of the land gives to the purchaser a written notice—
  - (i) stating that an exempt groundwater activity is being carried on on the land, and
  - (ii) containing a description of the exempt facility.
- (3) For the purposes of this paragraph, an operator is a person who has control over the operation of the septic tank or sewage treatment plant by reason of—
  - (a) being an owner of the land on which the septic tank or sewage treatment plant is situated or being used, or
  - (b) having entered into a written agreement with the owner of the land on which the septic tank or sewage treatment plant is situated or being used to be responsible for the maintenance of the septic tank or sewage treatment plant.

### **Open-loop ground source heating and cooling systems**

5.—(1) For the purpose of paragraphs 7(a)(i) and 8(a)(i) of Schedule 2, the description is the discharge of water to groundwater from a heating or cooling system to which sub-paragraph (3) applies with altered temperature.

(2) For the purpose of paragraphs 7(a)(ii) and 8(a)(ii) of that Schedule, the conditions in relation to a groundwater activity of that description are—

- (a) that nothing must be added to water discharged from the system;
- (b) that the temperature of water discharged from the system—
  - (i) subject to sub-paragraph (ii), must not exceed 25° C, and
  - (ii) must not vary by more than 10° C compared to that in the aquifer from which it was abstracted;
- (c) that the system must not be on a known contaminated site or have had a previous contaminative use;
- (d) that water from the system must not be discharged less than 50 metres from a watercourse or groundwater-fed wetland;
- (e) that water from the system must not be discharged—
  - (i) less than 50 metres from a point at which water is abstracted from underground strata, or

- (ii) within a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes;
- (f) that the discharge of water from the system must be to the same aquifer as that from which it was abstracted;
- (g) that water within the system must not be used for any other purpose.
- (3) This sub-paragraph applies to a system—
  - (a) that involves—
    - (i) the abstraction of groundwater to obtain heating or (as the case may be) cooling, and
    - (ii) the subsequent discharge of that water, and
  - (b) that is—
    - (i) a cooled aquifer system with a volume of less than 1500 cubic metres per day,
    - (ii) a balanced system with a volume of less than 430 cubic metres per day, or
    - (iii) a heated aquifer system with a volume of less than 215 cubic metres per day.
- (4) In this paragraph—
  - “balanced system” means a system used for both heating and cooling and where in a 5-year period the ratio of the discharge water temperature to the abstracted water temperature is within the range 0.8 to 1.2;
  - “cooled aquifer system” means a system used for both heating and cooling and where in a 5-year period the ratio of the discharge water temperature to the abstracted water temperature is less than 0.8;
  - “groundwater-fed wetland” means a terrestrial ecosystem directly depending on a body of groundwater (within the meaning of the Water Framework Directive) and includes—
    - (a) a European site (which has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2010<sup>(30)</sup>);
    - (b) a site of special scientific interest (which has the meaning given in section 52(1) of the Wildlife and Countryside Act 1981<sup>(31)</sup>);
  - “heated aquifer system” means a system used for both heating and cooling and where in a 5-year period the ratio of the discharge water temperature to the abstracted water temperature exceeds 1.2.

## PART 4

### Exempt flood risk activities: descriptions and conditions

#### General and interpretation

- 1.—(1) The descriptions in this Part are set out in paragraphs 2 to 28, in their respective first sub-paragraphs.
- (2) The specific conditions relating to each description in this Part are set out in paragraphs 2 to 28, in their respective second sub-paragraphs.
- (3) The general conditions relating to all descriptions in this Part are that the activity is not carried out—

<sup>(30)</sup> S.I. 2010/490, amended by S.I. 2012/1927; there are other amending instruments but none is relevant.

<sup>(31)</sup> 1981 c. 69; the definition was inserted by paragraph 5(2) of Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37).

- (a) on a designated site or—
    - (i) in the case of the description set out in paragraphs 2 to 4, 6, 8, 9, 12, 13, 15, 16, 18 to 20 and 25 to 28, in their respective first sub-paragraphs, within a 200 metre radius of a designated site;
    - (ii) in the case of the description set out in paragraphs 5, 7, 10, 11, 14 and 17, in their respective first sub-paragraphs, within a 500 metre radius of a designated site;
    - (iii) in the case of the description set out in paragraphs 21, 22 and 24, in their respective first sub-paragraphs, within one kilometre upstream of a designated site;
    - (iv) in the case of the description set out in paragraph 23, in its first sub-paragraph, within—
      - (aa) 5 kilometres upstream of a designated site notified for its freshwater habitats or species,
      - (bb) 1 kilometre upstream of a designated site that includes any part of the flood plain of the relevant main river but not the river itself, or
      - (cc) 1 kilometre upstream of any other designated site,
  - (b) in a water body in Wales that is part of a main river classified as of high morphological status by the NRBW in accordance with the relevant directions,
  - (c) where the activity is carried out in Wales, within 100 metres of a water body in Wales that is part of a main river classified as of high morphological status by the NRBW in accordance with the relevant directions, or
  - (d) in the case of the descriptions set out in paragraphs 3, 5, 7, 10 to 15, 18, 21 to 24 and 27, in their respective first sub-paragraphs, where the activity is carried out in England within 100 metres of a water body in Wales that is part of a main river classified as of high morphological status by the NRBW in accordance with the relevant directions.
- (4) In sub-paragraph (3), “designated site” means—
- (a) a European site (which has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2010),
  - (b) a Ramsar site (which has the same meaning as in section 37A of the Wildlife and Countryside Act 1981<sup>(32)</sup>),
  - (c) a site of special scientific interest (which has the meaning given in section 52(1) of the Wildlife and Countryside Act 1981), or
  - (d) a nature reserve established by a local authority under section 21 of the National Parks and Access to the Countryside Act 1949<sup>(33)</sup>.
- (5) For the purposes of this Part—
- “designated salmonid river” means—
- (a) in England, a river included in the dataset sealed by the Agency on 22nd October 2015, entitled “Rivers in England identified as salmonid for flood risk activities under the Environmental Permitting Regulations”, and published by the Agency<sup>(34)</sup>;

<sup>(32)</sup> Section 37A was inserted by section 77 of the Countryside and Rights of Way Act 2000 and was amended by paragraph 86 of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16), by paragraphs 5 and 7 of Schedule 2 to the Planning (Wales) Act 2015 (anaw. 4) and by S.I. 2013/755 (W. 90).

<sup>(33)</sup> 1949 c. 97; section 21 was amended by Schedule 30 to the Local Government Act 1972 (c. 70), by paragraphs 15(e) and 19 of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006, and by paragraph 1 of Part 1 of Schedule 2 to the Environment (Wales) Act 2016 (anaw. 3).

<sup>(34)</sup> A copy may be obtained from the Environment Agency, National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY.

- (b) in Wales, a river included on the map published by the NRBW on 20th October 2015 entitled “Rivers in Wales identified as salmonid for flood risk activities under the Environmental Permitting Regulations”(35);

“designated sensitive water body” means a water body included in the dataset sealed by the Agency on 20th October 2015 entitled “Water bodies in England identified as sensitive for flood risk activities under the Environmental Permitting Regulations because sediment management may compromise delivery of the environmental objectives of the Water Framework Directive” and published by the Agency(36);

“the dredging and removal of silt and sand requirements” means the document published by the Agency on 1st February 2016 entitled “Dredging and the removal of silt and sand from main rivers as a flood risk activity under the Environmental Permitting Regulations”(37);

“protected species” means—

- (a) a species of a kind mentioned in Article 4(2) of Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds(38) or listed in Annex I to that Directive or in Annex IV to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(39);
- (b) a species in respect of which any adverse impact is in accordance with a licence issued under section 16 of the Wildlife and Countryside Act 1981(40);

“relevant directions” means the Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015(41).

(6) In this Part, “bank” has the meaning given in paragraph 2(2)(a) in Part 1 of Schedule 25 and paragraph 2(2)(b) to (d) of that Schedule applies to this Part.

## Electrical cable services

2.—(1) The erection of an electrical cable service crossing over a main river.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the service crossing is within 10° of perpendicular to the direction of flow of the main river,
- (b) the vertical and horizontal clearances of the service crossing comply with the requirements set out in the table below,
- (c) permanent hazard markers are erected on both banks of the main river,
- (d) the bed and banks of the main river are not disturbed by the works, and
- (e) all excavated material not re-used on the site of the works is removed from the floodplain.

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(35) The map is available at <https://naturalresources.wales/media/5634/flood-epr-salmonids.pdf>. A copy may be obtained from Natural Resources Wales, c/o Customer Care Centre, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

(36) A copy may be obtained from the Environment Agency, National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY.

(37) A copy may be obtained from the Environment Agency, National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY.

(38) OJ No L 20, 26.1.2010, p 7, as amended by Council Directive 2013/17/EU (OJ No. L 158, 10.6.2013, p.193).

(39) OJ No L 206, 22.7.1992, p 7, as last amended by Council Directive 2013/17/EU.

(40) Section 16 was amended by paragraph 11(4) of Schedule 9 to the 1990 Act, paragraph 6 of Schedule 12 to the Countryside and Rights of Way Act 2000, paragraph 72 of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006, section 10 of the Marine and Coastal Access Act 2009 (c. 23) and by S.I. 1995/2825, 2007/1843 and 2013/755 (W. 90).

(41) These Directions were made on 9th September 2015 in exercise of powers in section 40(2) of the 1995 Act and are available at [http://www.legislation.gov.uk/uksi/2015/1623/pdfs/uksi0d\\_20151623\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/1623/pdfs/uksi0d_20151623_en.pdf). A copy may be obtained from the Flood Risk Management Team, the Department for Environment, Food and Rural Affairs, Area 3C, Nobel House, 17 Smith Square, London SW1P 3JR.

**Status:** This is the original version (as it was originally made).

<i>Voltage (kV)</i>	<i>Vertical clearance<sup>(1)</sup>(metres)</i>	<i>Horizontal clearance<sup>(2)</sup>(metres)</i>
275	15	15
400	15	15
132	12	15
66	12	15
33	9	10
11	9	10
6.6	9	10
4.15	6	9

(1) Vertical clearance above bank or flood bank crest level.

(2) Horizontal clearance of any tower or support landward from the top of the bank of the main river.

### **Service crossings below the bed of a main river**

**3.—**(1) The erection of a service crossing below the bed of a main river by directional drilling not involving an open cut technique.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the service crossing is within 10° of perpendicular to the direction of flow in the main river,
- (b) a distance is maintained—
  - (i) of no less than 1.5 metres from the bed of the main river to the top of the service crossing, and
  - (ii) at the same height above sea level between points that are 5 metres beyond the top of each bank of the main river,
- (c) the distance from the launch and reception pits to the landward side of each bank of the main river is—
  - (i) 8 or more metres in the case of a non-tidal main river;
  - (ii) 16 or more metres in the case of a tidal main river;
- (d) the service crossing does not pass through any bank, culvert, remote defence or river control works on the main river or through any sea defence,
- (e) the service crossing is 50 or more metres upstream of any impoundment or artificially raised channel,
- (f) permanent hazard markers are erected on both banks of the main river,
- (g) all excavated material not re-used on the site of the works is removed from the floodplain,
- (h) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (i) the bed and banks of the main river are not disturbed by the works.

### **Service crossings attached to the outside of existing structures over a main river**

**4.—**(1) Service crossings attached to the outside of existing structures over a main river.



- (2) For the purposes of this paragraph, the specific conditions are—
- (a) the service crossing does not project more than 1 metre horizontally from the structure,
  - (b) the service crossing follows the existing cross-sectional profile of the structure to the main river in both normal and flood flow,
  - (c) the service crossing does not pass through any bank, culvert, flood defence structure or river control works on the main river or through any sea defence,
  - (d) permanent hazard markers are erected on both banks of the main river, and
  - (e) a notification has not been sent by the regulator to the landowner that the structure has been identified for removal or modification in order to achieve the measures set out in the relevant River Basin Management Plan, within the meaning of Article 13 of the Water Framework Directive, that are designed to move a water body to good status pursuant to Article 4 of the Water Framework Directive.

## **Footbridges**

- 5.—(1) The construction of footbridges.
- (2) For the purposes of this paragraph, the specific conditions are—
- (a) the length of the footbridge measured from the top of one bank of the main river to the top of the other bank is no more than 8 metres,
  - (b) the footbridge has no support in the watercourse, a deck width of no more than 1.5 metres and a kickerboard of no more than 100mm in height,
  - (c) the footbridge does not reduce the cross-sectional area of the channel in the main river,
  - (d) the works do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006<sup>(42)</sup>, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016<sup>(43)</sup>, that are not protected species,
  - (e) no works take place within 100 metres of any non-agricultural building in the floodplain or another man-made structure on or in the main river,
  - (f) the bed of the main river is not affected by the construction,
  - (g) the length of bank disturbed by the construction extends to no more than 1 metre on either side of the footbridge,
  - (h) the footbridge is securely attached to foundations which are no closer than 1 metre to the edge of the bank,
  - (i) construction of the footbridge does not require reinforcement of the bed or banks,
  - (j) the approach ramp or steps for the footbridge do not extend more than 4 metres from the landward side of the bank,
  - (k) the lowest point of the underside of the bridge is at least 600mm higher than the top of both banks of the main river,
  - (l) all excavated material not re-used on the site of the works is removed from the floodplain,
  - (m) the height of the land at each end of the footbridge is not changed by the construction,
  - (n) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and

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<sup>(42)</sup> 2006 c. 16.

<sup>(43)</sup> 2016 anaw. 3.

- (o) any parapet of the footbridge is of open construction comprising—
  - (i) post and rail,
  - (ii) post and wire mesh fencing of at least 100mm spacing, or
  - (iii) post and wire strands.

### **Temporary scaffolding in England**

- 6.—(1) The erection and use of temporary scaffolding in or over a main river in England.
- (2) For the purposes of this paragraph, the specific conditions are—
  - (a) the scaffolding will be in place for no longer than 4 weeks,
  - (b) the scaffolding is not in place between 15th March and 15th June inclusive in any year,
  - (c) on a main river that is a designated salmonid river, the scaffolding is not in place between 1st October and 14th March inclusive in any year,
  - (d) the scaffolding does not occupy more than 10 metres of a river bank at any one time,
  - (e) the scaffolding projects into or over the main river no more than 1.2 metres or no more than 10% of the width of the main river, whichever is less,
  - (f) the scaffolding is located no less than 100 metres from any other scaffolding the erection and use of which is reliant on this exemption,
  - (g) except where it is unsafe to do so, debris lodged against the scaffolding is removed within 24 hours, and
  - (h) any transoms and walking decks are set no lower than 600 mm above water level.

### **Temporary dewatering in England**

- 7.—(1) The temporary dewatering of a work area in England.
- (2) For the purposes of this paragraph, the specific conditions are—
  - (a) the duration of the dewatering is no longer than 4 weeks,
  - (b) the dewatering is not in place between 15th March and 15th June inclusive in any year,
  - (c) on a main river that is a designated salmonid river, the dewatering is not in place between 1st October and 14th March inclusive in any year,
  - (d) the dewatering does not affect more than 10 metres of the bank of a main river at any one time,
  - (e) the dewatering is not within 8 metres of a flood defence structure or river control works,
  - (f) the depth of water adjacent to the dewatered area does not exceed 1.2 metres,
  - (g) the dewatering does not occur in, or within 500 metres upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006 or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016,
  - (h) all reasonable steps are taken to protect aquatic plants and aquatic animals found in the dewatered area,
  - (i) the dewatering structure projects into or over the main river no more than 1.2 metres or no more than 10% of the width of the main river, whichever is less,
  - (j) the works do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities

Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species,

- (k) all excavated material not re-used on the site of the works is removed from the floodplain,
- (l) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (m) any pumps used in the dewatering process are fitted with a 20mm mesh screen.

#### **Maintenance of raised river or sea defences**

**8.**—(1) The maintenance of raised river or sea defences.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the maintenance works use materials of the same kind as those present in the raised defences and do not alter the shape of those defences or the overall height of the protection afforded by those defences,
- (b) the raised defences are carrying out the functions for which they were originally designed, and
- (c) the works do not disturb the bed or, up to normal ground level, the banks of the main river.

#### **Maintenance of structures within the channel of a main river**

**9.**—(1) The maintenance of structures within the channel of a main river other than raised river or sea defences.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the maintenance works do not alter any dimension of the structure,
- (b) the structure is carrying out the functions for which it was originally designed,
- (c) the maintenance works use materials of the same kind as those present in the structure,
- (d) the maintenance works do not occur between 15th March and 15th June inclusive in any year,
- (e) on a main river that is a designated salmonid river, the maintenance works do not occur between 1st October and 14th March inclusive in any year, and
- (f) the works do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species.

#### **Drinking bays**

**10.**—(1) The construction of a drinking bay on the bank of a main river.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the bay is not located within 100 metres of any other man-made structure on or in the main river,
- (b) the bay is surrounded by a post and rail fence which must project into or over the main river no more than 1.2 metres or 10% of the width of the main river, whichever is less,
- (c) the base of the bay has a surface made of concrete, stone or inert hard core,
- (d) all excavated material not re-used on the site of the works is removed from the floodplain,

- (e) the works do not adversely affect any culvert, remote defence, river control works, sea defence or any raised embankment or wall forming part of the bank of the main river,
- (f) the works do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species,
- (g) the works do not occur in, or within 500 metres upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006 or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016,
- (h) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (i) the remainder of the bank is fenced so as to prevent damage to the bank.

### **Access platforms**

**11.—**(1) The construction of access platforms on the bank of a main river or that project into or over a main river.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the platform is not located within 50 metres of any other man-made structure,
- (b) the platform projects no more than 1.2m into or over the main river and occupies no more than 2m of bank length,
- (c) the works do not adversely affect any culvert, remote defence, river control works, sea defence or any raised embankment or wall forming part of the bank of the main river,
- (d) that part of the platform which projects over the channel is constructed as a flat deck, with no solid infill beneath the platform, supported on piers or piles of no more than 300mm width,
- (e) the works do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species,
- (f) the works do not occur in, or within 500 metres upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006 or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016,
- (g) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (h) any steps cut into the bank are supported by timber risers on the vertical part of the step.

### **Outfalls**

**12.—**(1) The construction of small outfall pipes and headwalls to main rivers.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the headwall is not located within 50 metres of another man-made structure on or in the main river,

- (b) in the case of a headwall to a non-tidal main river, the outfall pipe is aligned to an angle of between 30° and 60° to the direction of flow in the river,
- (c) the diameter of the outfall pipe is less than 300mm,
- (d) the height of the headwall is no more than 1.5 metres or no more than 75% of the height of the bank, whichever is less,
- (e) the total length of bank affected during construction of the headwall is no more than 1.5 metres,
- (f) the headwall, wing walls and apron do not project beyond the line of the bank prior to the works being carried out,
- (g) the headwall is not within 8 metres of a flood defence structure or river control works,
- (h) the outfall pipe does not pass through or under any culvert, remote defence, river control works or sea defence, or any raised embankment or wall forming part of the bank of the main river,
- (i) all excavated material not re-used on the site of the works is removed from the floodplain,
- (j) the works do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species,
- (k) the works do not occur in, or within 200 metres upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006 or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016,
- (l) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (m) any pipe that discharges through the headwall does not pass within 8 metres of a flood defence structure.

### **Repair and protection of banks using natural materials**

- 13.**—(1) The repair and protection of main river banks using natural materials.
- (2) For the purposes of this paragraph, the specific conditions are—
- (a) the length of bank affected by the works is no more than 10 metres,
  - (b) the works do not include the use of steel sheet piling, concrete, cement or concrete bagwork, brickwork, gabions or non-biodegradable materials,
  - (c) the works do not take place within 50 metres of a bank that has been reinforced,
  - (d) the works do not encroach into the channel of the main river beyond the line of the bank prior to the works being carried out,
  - (e) when the works are finished, the height of the bank does not exceed the lower of—
    - (i) the height of the bank on either side of the works, and
    - (ii) the height of the bank prior to the works being carried out,
  - (f) the works are securely fastened to the bank at each end so as to prevent erosion behind the works,
  - (g) the works do not involve the use of vehicles or wheeled or tracked machinery on the bed or bank of the main river,

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- (h) the works do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006<sup>(44)</sup>, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016<sup>(45)</sup>, that are not protected species,
- (i) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (j) the works are not to a bank consisting of an earth cliff over 1 metre in height.

### **Repair of bank slips and erosion**

**14.**—(1) Repair of bank slips and erosion.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the works do not involve removal of material from the bed of the main river other than bank slippage,
- (b) the works do not affect more than 10 metres of the bank at any one time,
- (c) the works do not encroach into the channel of the main river beyond the line of the bank prior to the works being carried out,
- (d) when the works are finished, the height of the bank does not exceed the lower of—
  - (i) the height of the bank on either side of the works, and
  - (ii) the height of the bank prior to the slip or erosion,
- (e) the works are securely fastened to the bank at each end so as to prevent erosion behind the works,
- (f) any repair of a bank slippage is made using as materials only material that has subsided from that bank,
- (g) any repair of erosion uses materials of the same kind as those present on the relevant site,
- (h) the works do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species,
- (i) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (j) the works do not involve the use of a vehicle or of wheeled or tracked machinery on the bed or banks of the main river.

### **Channel habitat structures made of natural materials**

**15.**—(1) The installation of channel habitat structures made of natural materials (excluding weirs and berms).

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the structure occupies no more than half the width of the cross-sectional area of the channel in the main river and no more than 20 metres of the length of the main river,

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<sup>(44)</sup> 2006 c. 16.

<sup>(45)</sup> 2016 anaw. 3.

- (b) no part of the structure is higher than 0.3 metres above the level of the river bed or 25% of the height of the bank (excluding any wall or embankment forming part of the bank), whichever is greater,
- (c) the structure is made from naturally occurring woody material and is securely fastened to the bed of the main river, the bank or both,
- (d) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (e) no works take place within 100 metres of—
  - (i) a non-agricultural building in the floodplain,
  - (ii) another natural channel habitat structure,
  - (iii) stones or logs placed in the main river for habitat enhancement, or
  - (iv) a man-made structure on or in the main river.

#### **Rafts for surveys**

- 16.**—(1) The installation of rafts for surveys.
- (2) For the purposes of this paragraph, the specific conditions are—
- (a) the raft has dimensions of no greater than 1.5 metres x 1 metre x 0.15 metre,
  - (b) any equipment box used on the raft has a height of no more than 0.75 metre,
  - (c) the raft is permanently and securely attached to the bank,
  - (d) the raft is installed no less than 100 metres from any other raft,
  - (e) when the raft is installed, there are no more than four other rafts within a distance of one kilometre,
  - (f) the raft is installed for no more than 12 months and removed immediately if, within that period, it is no longer required, and
  - (g) the raft is not installed within 100 metres of any non-agricultural building in the floodplain or another man-made structure on or in the main river.

#### **Gravel-cleaning for fish-spawning beds**

- 17.**—(1) Gravel-cleaning for fish-spawning beds.
- (2) For the purposes of this paragraph, the specific conditions are—
- (a) the works are only carried out in September or October in any year,
  - (b) the works are to no more than 20m<sup>2</sup> of gravel per location, with a gap of at least 30 metres between locations,
  - (c) the works do not adversely affect the banks or established bed of the main river,
  - (d) the works are carried out using only hand tools or machinery carried and operated by one person, and
  - (e) the works do not occur in, or within 500 metres upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006 or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016.

**Placement of stones or logs in a main river in England for habitat enhancement**

**18.—**(1) Placement of stones or logs in the channel of a main river in England for habitat enhancement.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) any stones placed in the channel are of a type that occur naturally in the main river and do not exceed 400mm in any dimension,
- (b) any log placed in the channel is less than 2 metres in length, less than 400mm in diameter and oriented at an angle of within 45° to the flow of water,
- (c) any log placed in the channel—
  - (i) is from a type of tree that occurs naturally in the vicinity of the main river, and
  - (ii) is securely fixed to the bed or bank of the main river,
- (d) the stones or logs are placed in the channel over no more than 20 metres of the length, and 20% of the width, of the main river,
- (e) the placement of stones or logs does not occur in, or within 200 metres upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006 or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016,
- (f) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (g) no stones or logs are placed within 100 metres of—
  - (i) a non-agricultural building in the floodplain,
  - (ii) a natural channel habitat structure,
  - (iii) an existing emplacement of stones or logs placed in the main river for habitat enhancement, or
  - (iv) a man-made structure on or in the main river.

**Eel pass devices**

**19.—**(1) Construction of eel pass devices on existing structures.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the existing structure is not located on a tidal river,
- (b) the device is permanently and securely attached to the existing structure,
- (c) the width of the device is no more than 5% of the width of the main river, and
- (d) the device does not extend upstream or downstream from the existing structure more than the lesser of—
  - (i) 10 metres, or
  - (ii) the width of the channel measured between the top of each bank of the main river.

**Fish passage notches**

**20.—**(1) Construction of fish passage notches on an existing impoundment.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the construction does not affect the structural integrity of the existing impoundment,



- (b) construction of the notches does not change the water level in the main river by more than 20cm upstream or downstream from the existing structure,
- (c) the existing impoundment is located on a main river with a width of no more than 5 metres measured between the top of each bank,
- (d) the construction does not adversely affect the banks or established bed of the main river, and
- (e) the notch is no more than 0.6 metre in width.

### **Removal of silt, sand and other material in England**

**21.**—(1) The removal of silt and sand from within bridge arches in England and any material from within culverts in England.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the works do not affect the structural integrity of the bridge arch or culvert,
- (b) in the case of works within bridge arches, the removal of silt and sand is limited to the removal of accumulated silt and sand on the established bed of the main river,
- (c) the works do not occur in, or within 1 kilometre upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006 or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016,
- (d) the works and the subsequent deposition of the removed material do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species,
- (e) the works do not occur between 15th March and 15th June inclusive in any year,
- (f) on a main river that is a designated salmonid river, the works do not occur between 1st October and 14th March inclusive in any year,
- (g) the works do not expose the structural foundations or footings of the bridge or culvert,
- (h) the works and any equipment used to remove the sand and silt comply with the dredging and removal of silt and sand requirements,
- (i) the works do not involve the use of machinery on the bed or banks of the main river more than 20 metres from the bridge or culvert,
- (j) the works do not involve the use of a vehicle on the bed or banks of the main river,
- (k) the works do not damage the culvert or the banks or bed of the main river, and
- (l) the works are not carried out in, or within 1 kilometre upstream or 500 metres downstream of, a water body that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions.

### **Removal of silt and sand adjacent to in-river structures in England**

**22.**—(1) The removal of silt and sand adjacent to in-river structures in England.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the works take place no more than 10 metres upstream or downstream from the edge of the structure,
- (b) the removal of silt and sand does not affect the structural integrity of the structure,

*Status: This is the original version (as it was originally made).*

- (c) the works do not damage the banks or bed of the main river,
- (d) the works are limited to the removal of accumulated silt and sand on the established bed of the main river,
- (e) the removal of silt and sand does not expose the structural foundations or footings of the structure,
- (f) silt and sand is not removed to below the level of the base of the inside of an adjacent culvert,
- (g) the works do not remove vegetation from the bed or banks of the main river, other than vegetation growing in or through the silt and sand,
- (h) the works do not involve the use of a vehicle or machinery on the bed or banks of the main river,
- (i) the removal of silt and sand does not occur in, or within 1 kilometre upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006<sup>(46)</sup> or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016<sup>(47)</sup>,
- (j) the removal of silt and sand and its subsequent deposition do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species,
- (k) the removal of silt and sand does not occur between 15th March and 15th June inclusive in any year,
- (l) on a main river that is a designated salmonid river, the removal of silt and sand does not occur between 1st October and 14th March inclusive in any year,
- (m) the works and any equipment used to remove the sand and silt comply with the dredging and removal of silt and sand requirements,
- (n) the works are not carried out in, or within one kilometre upstream or 500 metres downstream of, a water body that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (o) the removal of silt and sand does not occur in a designated sensitive water body.

#### **Dredging of man-made ditches, land drains, agricultural drains and previously straightened watercourses in England**

**23.**—(1) Dredging of no more than 1.5 kilometres of man-made ditches, land drains, agricultural drains and previously straightened watercourses classified as main rivers in England.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the works do not occur in any location where dredging has been carried out within the previous 3 years,
- (b) the works do not occur in any location on a watercourse where dredging has taken place within 1.5 kilometres upstream or downstream of that location in the previous 12 months,
- (c) the works are completed within 3 years of registration of the exemption,
- (d) the works do not damage the bed or banks of the main river,
- (e) the dredging does not include the removal of gravel,

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<sup>(46)</sup> 2006 c. 16.

<sup>(47)</sup> 2016 anaw. 3.

- (f) the dredging is limited to the removal of accumulated silt and sand on the established bed of the main river,
- (g) the works do not remove vegetation from the bed or banks of the main river, other than vegetation growing in or through the silt and sand,
- (h) the works do not involve the use of a vehicle or machinery on the bed or banks of the main river,
- (i) the works do not occur in, or within one kilometre upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006 or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016,
- (j) the dredging and subsequent deposition of dredged material do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species,
- (k) the works do not occur between 15th March and 15th June inclusive in any year,
- (l) on a main river that is a designated salmonid river, the works do not occur between 1st October and 14th March inclusive in any year,
- (m) the works and any equipment used comply with the dredging and removal of silt and sand requirements,
- (n) the works are not carried out in, or within 1 kilometre upstream or 500 metres downstream of, a water body that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions,
- (o) the works do not occur in a designated sensitive water body,
- (p) on a non-tidal main river, the works do not occur within 8 metres of a flood defence structure or river control works, and
- (q) on a tidal main river, the works do not occur within 16 metres of a flood defence structure or sea defence.

#### **Dredging of any main river in England**

**24.**—(1) Dredging of no more than 20 metres of any main river in England.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) no dredging has been carried out in the previous 12 months in the same main river and property,
- (b) the works are completed within 12 months of registration of the exemption,
- (c) the works do not damage the bed or banks of the main river,
- (d) the dredging does not include the removal of gravel,
- (e) the works do not remove vegetation from the bed or banks of the main river, other than vegetation growing in or through the silt and sand,
- (f) the dredging is limited to the removal of accumulated silt and sand on the established bed of the main river,
- (g) the works do not involve the use of a vehicle or machinery on the bed or banks of the main river,
- (h) the works do not occur in, or within 1 kilometre upstream of, a type of habitat included in a list published by the Secretary of State under section 41 of the Natural Environment and

Rural Communities Act 2006 or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016,

- (i) the dredging and subsequent deposition of dredged material do not have a significant adverse effect on species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, or by Welsh Ministers under section 7 of the Environment (Wales) Act 2016, that are not protected species,
- (j) the works do not occur between 15th March and 15th June inclusive in any year,
- (k) on a main river that is a designated salmonid river, the works do not occur between 1st October and 14th March inclusive in any year,
- (l) the works and any equipment used comply with the dredging and removal of silt and sand requirements,
- (m) the works are not carried out in, or within 1 kilometre upstream or 500 metres downstream of, a water body that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (n) the dredging does not occur in a designated sensitive water body.

#### **Excavation of scrapes and shallow wetland features**

**25.**—(1) The excavation of scrapes and shallow wetland features in a floodplain.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the area of the excavation is no more than 0.1 hectare and takes place at least 100 metres from any other excavation in the floodplain,
- (b) the excavation is no more than 500mm deep at any point,
- (c) where spoil from the excavation is spread on the floodplain, the spoil is spread to a depth of no more than 100mm, and
- (d) the excavation is at least 8 metres from any structure forming part of a flood defence and from the landward side of each bank of the main river.

#### **Raised flood defences in England**

**26.**—(1) The construction of raised flood defences around one to six adjoining properties in England.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the works are not within 8 metres of a main river,
- (b) the dimensions of the flood defences are no more than 1 metre in height and 6 metres in width,
- (c) the defences are located at least 20 metres from any building not owned by the owners of the properties,
- (d) the total area protected by the defences is no more than 150m<sup>2</sup> for each property,
- (e) the defences are to protect existing buildings, and
- (f) the works are within the existing boundary of the properties.

#### **Bankside wildlife refuge structures**

**27.**—(1) Construction of bankside wildlife refuge structures.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the length of bank excavated during construction of the structure is no more than 1.5 metres,
- (b) the height of the structure is no more than 1.5 metres or no more than 75% of the height of the bank, whichever is less,
- (c) the structure is not located within 50 metres of another man-made structure on or in the main river,
- (d) the structure is not located within 8 metres of a flood defence structure or river control works,
- (e) the works are not carried out in, or within 100 metres of, a water body in England that is part of a main river classified as of high morphological status by the Agency in accordance with the relevant directions, and
- (f) the structure does not project beyond the line of the bank prior to the works being carried out.

### **Improvement works for tracks and paths**

**28.**—(1) Improvement works for tracks and paths.

(2) For the purposes of this paragraph, the specific conditions are—

- (a) the works are to an existing track or path,
- (b) the works do not alter the route or width of the track or path,
- (c) the works do not disturb the bed or banks of any main river,
- (d) the works do not increase the level of the path by more than 100mm, and
- (e) when the works are completed, all materials and debris are removed from the site.

## **PART 5**

Other waste operations to which section 33(1)(a) of the  
1990 Act does not apply: descriptions and conditions

### **General and interpretation**

**1.**—(1) The descriptions in this Part are set out in the first sub-paragraph of each paragraph.

(2) The conditions for each description are set out in the second sub-paragraph of each paragraph.

(3) In this Part—

“collection” has the same meaning as in Article 3(10) of the Waste Framework Directive;

“collection point” means a place which is used for the collection of waste by an establishment or undertaking where the establishment or undertaking does not—

- (a) receive payment for collecting the waste, or
- (b) collect waste as its main business activity;

“place of production” has the meaning given in paragraph 1(1) of Part 1 of this Schedule.

(4) For the purposes of this Part, a container, lagoon or other place is secure in relation to waste kept in it if—

- (a) all reasonable precautions are taken to ensure that the waste cannot escape from it, and
- (b) members of the public are unable to gain access to the waste.

**Temporary storage at the place of production**

- 2.—(1) The temporary storage of any waste at the place of production, pending its collection.
- (2) For the purposes of this paragraph, the conditions are—
- (a) no waste is stored for longer than 12 months, and
  - (b) the waste is stored in a secure place.

**Temporary storage of waste at a place controlled by the producer**

3.—(1) The temporary storage of any waste, pending its collection, at a place controlled by the producer of the waste.

- (2) For the purposes of this paragraph, the conditions are—
- (a) the producer has control over the waste and the storage place,
  - (b) the waste does not contain or consist of—
    - (i) unbonded asbestos, or
    - (ii) any substance with a flash point of less than 21 degrees Celsius,
  - (c) the operation is not carried on in the course of providing a waste management service to another person,
  - (d) the waste is stored in a secure place,
  - (e) where more than one type of waste is stored, the types are not mixed,
  - (f) no waste is stored for longer than 3 months,
  - (g) in relation to non-liquid waste, the total quantity stored at any one time does not exceed 50 cubic metres, and
  - (h) in relation to liquid waste—
    - (i) the total quantity stored at any one time does not exceed 1,000 litres, and
    - (ii) the waste is stored in a container with secondary containment.

**Temporary storage at a collection point**

4.—(1) The temporary storage of waste at a collection point for the purposes of recovering or disposing of the waste elsewhere.

- (2) For the purposes of this paragraph, the conditions are that—
- (a) the waste does not contain or consist of—
    - (i) asbestos;
    - (ii) any substance with a flash point of less than 21 degrees Celsius,
  - (b) where more than one type of waste is stored, the types are not mixed,
  - (c) in relation to WEEE, the total quantity of waste stored at any one time does not exceed 30 cubic metres,
  - (d) in relation to non-hazardous waste that—
    - (i) is not WEEE, and
    - (ii) is to be recovered elsewhere,
 the total quantity of waste stored any one time does not exceed 50 cubic metres, and
  - (e) in relation to waste not covered by paragraph (d) or (e), the total quantity of waste stored at any one time does not exceed 5 cubic metres.

