

SCHEDULE 1

ACTIVITIES AND INSTALLATIONS AND MOBILE PLANT

CHAPTER 5

WASTE MANAGEMENT

Section 5.1

Incineration

PART B

The following activities if operated at installations not falling under Part A of this Section:–

- (a) The incineration of waste, including animal remains, in an incineration plant, other than in an exempt waste incineration plant.
- (b) The cremation of human remains.

Interpretation of Section 5.1

In this Section –

“incineration of waste” means the incineration by oxidation of waste, with or without recovery of the combustion heat generated, including pre-treatment as well as pyrolysis or other thermal treatment processes, for example, plasma process, in so far as their products are subsequently incinerated, and includes the incineration of such wastes as regular or additional fuel for any industrial process;

“incineration plant” means any technical equipment used for the incineration of waste;

“hazardous waste” means any solid or liquid as defined in Article 1.4 of Council Directive [91/689/EEC](#) on hazardous waste(1) but shall not include the following waste:–

- (i) combustible liquid wastes, including waste oils as defined in Article 1 of Council Directive [75/439/EEC](#) on the disposal of waste oils(2), provided that they meet the following three criteria:–
 - (a) the mass content of polychlorinated aromatic hydrocarbons, e.g. polychlorinated biphenyls or pentachlorinated phenol, amounts to concentrations not higher than those set out in the relevant Community legislation;
 - (b) these wastes are not rendered hazardous by virtue of containing other constituents listed in Annex II to Council Directive [91/689/EEC](#) in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Directive [75/442/EEC](#) on waste(3); and
 - (c) the net calorific value amounts to at least 30 MJ per kilogramme;
- (ii) any combustible liquid wastes which cannot cause, in the flue gas directly resulting from their combustion, emissions other than those from gas oil, as defined in Article 1.1 of Directive [75/716/EEC](#) on the approximation of the laws of Member States relating to the sulphur content of certain liquid fuels(4) or a higher concentration of emissions than those resulting from the combustion of gas oil as so defined;

(1) O.J. No. L 377, 31.12.91, p.20.

(2) O.J. No. L 194, 25.7.75, p.23.

(3) O.J. No. L 194, 25.7.75 p.39; amended by Council Directives [91/156/EEC](#) (O.J. No. L 78, 26.3.91 p.32) and [91/692/EEC](#) (O.J. No. L 377, 31.12.91, p.48) and Commission Decision [96/350/EC](#) (O.J. No. L 135, 6.6.96 p.32).

(4) O.J. No. L 307, 27.11.75, p.22.

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- (iii) hazardous waste resulting from the exploration for the exploration of oil and gas resources from off-shore installations and incinerated on board;
- (iv) municipal waste covered by Council Directives [89/369/EEC](#) on the prevention of air pollution from new municipal waste incineration plants⁽⁵⁾ and [89/429/EEC](#) on the reduction of air pollution from existing municipal waste incineration plants⁽⁶⁾;
- (v) sewage sludges from the treatment of municipal waste waters which are not rendered hazardous by virtue of containing constituents listed in Annex II to Council Directive [91/689/EEC](#) in quantities or in concentrations which are inconsistent with the achievement of the Council objectives set out in the Article 4 of Directive [75/442/EEC](#) on waste;

“exempt hazardous waste incineration plant” means–

- (i) an incineration plant for animal carcasses or remains;
- (ii) an incineration plant for infectious clinical waste, provided that such waste is not rendered hazardous as a result of the presence of constituents listed in Annex II to Council Directive [91/689/EEC](#) on hazardous waste other than constituent C35 in that list (infectious substances); or
- (iii) a municipal waste incineration plant also burning infectious clinical waste which is not mixed with other wastes which are rendered hazardous as a result of one of the properties listed in Annex III to Council Directive [91/689/EEC](#) other than property H9 in that list (infectious);

“exempt waste incineration plant” means any incineration plant on premises where there is plant designed to incinerate waste, including animal remains at a rate of not more than 50 kilogrammes per hour, not being an incineration plant employed to incinerate clinical waste, sewage sludge, sewage screenings or municipal waste (as defined in Article 1 of Council Directive [89/369/EEC](#)); and for the purposes of this Section, the weight of waste shall be determined by reference to its weight as fed into the incineration plant;

“clinical waste” means waste (other than waste consisting wholly of animal remains) which falls within sub-paragraph (a) or (b) of the definition of such waste in paragraph (2) of regulation 1 of the Controlled Waste Regulations 1992⁽⁷⁾ (or would fall within one of those sub-paragraphs but for paragraph (4) of that regulation).

⁽⁵⁾ O.J. No. L 163, 14.6.89, p.32.

⁽⁶⁾ O.J. No. L 203, 15.7.89, p.50.

⁽⁷⁾ S.I.1992/588.