
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 275

**The Waste Management Licensing
Amendment (Scotland) Regulations 2004**

Amendment of the Waste Management Licensing Regulations 1994

11. For paragraph 8 of Schedule 3 (storage and spreading of sludge) substitute—

“**8.**—(1) Subject to sub paragraph (3), the storage in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place) of sludge which is intended to be used—

- (a) in accordance with the 1989 Regulations; or
- (b) for land treatment in reliance upon the exemption conferred by sub paragraph (2).

(2) The treatment with sludge of land which is not agricultural land within the meaning of the 1989 Regulations if—

- (a) it results in ecological improvement, or in the case of the treatment of land used for non-food crops not grown in short term rotation with food crops, it enhances the growth of those crops; and
- (b) it does not cause the concentration in the soil of any of the elements listed in column 1 of the soil table set out in Schedule 2 to the 1989 Regulations to exceed the limit specified in the corresponding entry in column 2 of the table.

(3) Sub paragraph (1) applies only if the following conditions are satisfied:—

- (a) the sludge is stored at the place where it is to be used;
- (b) the sludge is stored at a distance of not less than—
 - (i) 10 metres from any inland or coastal waters;
 - (ii) 50 metres from any well, borehole or similar work sunk into underground strata for the purpose of any water supply other than a domestic water supply; and
 - (iii) 250 metres from any well, borehole or similar work sunk into underground strata for the purpose of a domestic water supply;
- (c) no sludge is stored to the extent that the volume stored exceeds ninety per cent of the available capacity of the container or lagoon where the storage takes place; and
- (d) no sludge is stored for a period of more than 6 months.

(4) For the purpose of this paragraph, enhancement of crop growth or ecological improvement shall be construed in accordance with Part 2 of Schedule 3A and any guidance issued under regulation 17(6) of these Regulations.

(5) In this paragraph—

- (a) “the 1989 Regulations” means the Sludge (Use in Agriculture) Regulations 1989(1) and “used”, in relation to sludge, has the meaning given by regulation 2(1) of the 1989 Regulations;

Status: This is the original version (as it was originally made).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

- (b) “sludge” has the meaning given by regulation 2(1) of the 1989 Regulations, and “used”, in relation to sludge, has the meaning given by that regulation; and
- (c) “domestic water supply” means a supply of water—
 - (i) for such domestic purposes as consist in or include, cooking, drinking, food preparation or washing; or
 - (ii) for any of these domestic purposes to premises in which food is produced.”.