

Changes to legislation: The Environmental Permitting (England and Wales) Regulations 2016, CHAPTER 1 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 3

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 ^{M1} 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 ^{M2}, 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—

- (a) article 13 of the Plant Health (*Phytophthora ramorum*) (Wales) Order 2006 ^{M3};
- (b) article 31 of the Plant Health (Forestry) Order 2005 ^{M4};

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(c) article 32 of the Plant Health (England) Order 2015 ^{M5};

(d) article 32 of the Plant Health (Wales) Order 2006 ^{M6};

“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 ^{M7};

“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.

(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 [F1T33] is a reference to a paragraph numbered 1 to [F233] in Section 2 of Chapter 3 (treatment of waste);

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- (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).

Textual Amendments

- F1** Word in Sch. 3 Ch. 1 para. 1(8)(b) substituted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), regs. 1(1), **21(4)(a)(i)**
- F2** Word in Sch. 3 Ch. 1 para. 1(8)(b) substituted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), regs. 1(1), **21(4)(a)(ii)**

Marginal Citations

- M1** [1947 c. 48](#).
- M2** 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).
- M3** [S.I. 2006/1344 \(W. 134\)](#), to which there are amendments not relevant to these Regulations.
- M4** [S.I. 2005/2517](#); relevant amending instruments are [S.I. 2011/1043](#), 2013/755 (W. 90), 2014/2420 and 2015/1723 (W. 235).
- M5** [S.I. 2015/610](#), to which there are amendments not relevant to these Regulations.
- M6** [S.I. 2006/1643 \(W. 158\)](#), amended by [S.I. 2011/1043](#); there are other amending instruments but none is relevant.
- M7** [2013 c. 10](#).

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

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

- Sch. 9 Pt. 2 para. 2(3) inserted by [S.I. 2023/1156 reg. 2\(6\)](#)
- Sch. 9 Pt. 2 para. 4(5)(aa) inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(6A) inserted by [S.I. 2023/1156 reg. 2\(7\)\(e\)](#)
- Sch. 9 Pt. 2 para. 5(6)(aa) inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(6A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(d\)](#)
- Sch. 9 Pt. 2 para. 5(7A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(11) inserted by [S.I. 2023/1156 reg. 2\(8\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(1)(ba) inserted by [S.I. 2023/1156 reg. 2\(9\)\(d\)](#)
- Sch. 9 Pt. 2 para. 6(1)(h) inserted by [S.I. 2023/1156 reg. 2\(9\)\(h\)](#)
- Sch. 9 Pt. 2 para. 8 inserted by [S.I. 2023/1156 reg. 2\(12\)](#)
- Sch. 9 Pt. 2 para. 7(3)(d)-(f) omitted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(f)-(h) omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(vi\)](#)
- Sch. 9 Pt. 2 para. 7(5) omitted by [S.I. 2023/1156 reg. 2\(11\)\(d\)](#)
- Sch. 9 Pt. 2 para. 2(2)(a) substituted by [S.I. 2023/1156 reg. 2\(5\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(2) substituted by [S.I. 2023/1156 reg. 2\(7\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(2) substituted by [S.I. 2023/1156 reg. 2\(8\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(8) substituted by [S.I. 2023/1156 reg. 2\(8\)\(g\)](#)
- Sch. 9 Pt. 2 para. 6(1)(b) substituted by [S.I. 2023/1156 reg. 2\(9\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(f) substituted by [S.I. 2023/1156 reg. 2\(9\)\(f\)](#)
- Sch. 9 Pt. 2 para. 4(6)(a)-(j) substituted for Sch. 9 Pt. 2 para. 4(6)(a)-(d) by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(8)(9) substituted for Sch. 9 Pt. 2 para. 4(8) by [S.I. 2023/1156 reg. 2\(7\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(2)(b) word inserted by [S.I. 2023/1156 reg. 2\(5\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word inserted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(6) word omitted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(bb\)](#)
- Sch. 9 Pt. 2 para. 5(7) word omitted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word omitted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) word substituted by [S.I. 2023/1156 reg. 2\(4\)\(a\)](#)
- Sch. 9 Pt. 2 para. 2(2) word substituted by [S.I. 2023/1156 reg. 2\(5\)\(a\)](#)
- Sch. 9 Pt. 2 para. 4(3) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(6) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(aa\)](#)
- Sch. 9 Pt. 2 para. 1(2) words inserted by [S.I. 2023/1156 reg. 2\(3\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(b\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(5)(b) words inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(6)(b) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(7) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iv\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(v\)](#)
- Sch. 9 Pt. 2 para. 6(1) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(a\)](#)
- Sch. 9 Pt. 2 para. 6(1)(a) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(b\)](#)

- Sch. 9 Pt. 2 para. 6(1)(c) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(d) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(e) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(10\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(3)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(i\)](#)
- Sch. 9 Pt. 2 para. 7(3)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iv\)](#)
- Sch. 9 Pt. 2 para. 7(4)(e) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(v\)](#)
- Sch. 9 Pt. 2 para. 2(1) words omitted by [S.I. 2023/1156 reg. 2\(4\)\(d\)](#)
- Sch. 9 Pt. 2 para. 7(4) words omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(c\)](#)
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- Sch. 9 Pt. 2 para. 4(7) words substituted by [S.I. 2023/1156 reg. 2\(7\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(5) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(b\)](#)
- Sch. 9 Pt. 2 para. 5(10) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(h\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) words substituted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(2)(b) words substituted by [S.I. 2023/1156 reg. 2\(10\)\(b\)](#)
- Sch. 9 Pt. 2 para. 7(4)(a) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(b) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iii\)](#)