

SCHEDULE 3

Exempt facilities: descriptions and conditions

PART 1

Exempt waste operations: descriptions and conditions (specific and general)

CHAPTER 2

Use of waste

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		
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)		

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit</i>	<i>Additional specific conditions</i>
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		B
170504	Soil and stones other than those mentioned in 170503		
170506	Dredging spoil other than those mentioned in 170505		
191302	Solid wastes from soil remediation other than those mentioned in 191301		
200202	Soil and stones		
020103	Plant tissue waste		B
030101	Waste bark, cork and wood only		B
191207	Untreated wood other than those mentioned in 191206 only		B
200138	Untreated wood other than those mentioned in 200137 only		B

**Table 3**

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limits</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—
- 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;
  - 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(1), 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(2); 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.
- (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.

(1) 1991 c. 59.

(2) PAS 108:2007, Specification for the production of tyre bales for use in construction, ISBN 978 0 580 50349 8.

#### 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

- (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.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Environmental Permitting (England and Wales) Regulations 2010 No. 675

<i>Codes</i>	<i>Waste types</i>	<i>Specified purpose</i>	<i>Quantity limit (at any one time)</i>
030105, 191207	Wood shavings, woodchip, oversized compost, sawdust only	Use in horse menages	1,000 tonnes
191204	Shredded or granulated rubber and end-of-life tyres only	Use in horse menages	1,000 tonnes
191201	Shredded paper and cardboard	Use as animal bedding	100 tonnes
030305, 030311	Paper pulp and paper sludge from paper recycling only	Use as animal bedding	100 tonnes
030105, 191207	Wood shavings, woodchip, oversized compost, sawdust 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
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	Use in construction of buildings, fencing, barriers, containment or	100 tonnes

<i>Codes</i>	<i>Waste types</i>	<i>Specified purpose</i>	<i>Quantity limit (at any one time)</i>
		similar above ground construction	
110105*, 110107*, 190902, 190903, 190906	Aluminium hydroxide (AlOH) and ferric chloride (FeCl) and sludges/solutions from the treatment of water only	Use in treating waste water effluent and in water treating processes	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

(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; and
- (d) in relation to any relevant waste to which code 110105\* (aluminium hydroxide), 110107\* (ferric chloride), 190902, 190903 or 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.

#### **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

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit (at any one time)</i>	<i>Additional specific conditions</i>
070213, 120105, 150102, 191204, 200139	Plastics	500 tonnes	E
191204	Rubber only	30 tonnes	E, F
020106	Sheep, rabbit or deer faeces only	100 tonnes	B
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.
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(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
020106	Farmyard and horse manure only	50 tonnes per hectare	200 tonnes	12 months	A
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 compost 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 a treatment described in paragraph T24 or T25 only	50 tonnes per hectare	200 tonnes	12 months	A
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 sub-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 hours or more 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 borehole,
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.

#### 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 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 (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
020106	Farmyard and horse manure 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 described 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

<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>
020199	Spent compost from the growing of mushrooms only	50 tonnes per hectare	500 tonnes	A
190599	Compost produced pursuant to a treatment described 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 in paragraph T32 only	50 tonnes per hectare	200 tonnes	A, C
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 sub-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 hours or more 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—

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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.

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### 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.

<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 hours or more 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 hours or more 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 applies (non-hazardous components from end-of-life vehicles), 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) For the purposes of this paragraph and in relation to an end-of-life vehicle, “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.