

SCHEDULE 3

Exempt facilities: descriptions and conditions

PART 1

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

CHAPTER 4

Disposal of waste

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 hours or more 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 1993 Act,
 - (ii) the Control of Pollution Act 1974(1),
 - (iii) section 5 of the Control of Pollution (Amendment) Act 1989(2),

(1) 1974 c. 40.

(2) 1989 c. 14; section 5 was amended by section 37 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).

- (iv) the 1990 Act,
 - (v) the 1991 Act,
 - (vi) the Water Industry Act 1991(3),
 - (vii) the Waste Electrical and Electronic Equipment Regulations 2006(4),
 - (viii) the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (5),
 - (ix) regulation 88 of the Waste Batteries and Accumulators Regulations 2009(6);
 - (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(7) 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(8) 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 an incinerator where the requirements in sub-paragraph (4) are met.

(2) The waste described in this paragraph is the waste mentioned in Article 2(2)(a)(i) to (viii) of the Waste Incineration Directive, but excluding the waste mentioned in sub-paragraph (vi) (radioactive waste) of that Article.

- (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 incinerator has a capacity of less than 50kg per hour and a net rated thermal input of less than 0.4 megawatts; and

(3) 1991 c. 56.

(4) S.I. 2006/3289, amended by S.I. 2007/3545; there are other amending instruments but none is relevant.

(5) S.I. 2007/871, to which there are amendments not relevant to these Regulations.

(6) S.I. 2009/890.

(7) 1990 c. 43; section 34(1) was amended by S.I. 2000/1973 and 2007/3538. Section 34(1A) was inserted by paragraph 1(6) of Schedule 2 to S.I. 2009/1799.

(8) S.I. 2007/1711, to which there are amendments not relevant to these Regulations.

- (b) where it is used together with other incinerators (whether or not it is operated simultaneously with such other incinerators), the aggregate net rated thermal input of all the incinerators 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—
- the total quantity of waste burned over any period of 24 hours does not exceed 10 tonnes;
 - the total quantity of waste stored at any one time does not exceed 20 tonnes; and
 - 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—
- the total quantity of waste burned or stored over any period of 24 hours does not exceed 10 tonnes;
 - the burning and storage of waste takes place in a secure place at the port where the waste was unloaded; and
 - 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⁽⁹⁾.

⁽⁹⁾ 1979 c. 2.