

SCHEDULE 3

Regulations 1(3) and 17

ACTIVITIES EXEMPT FROM WASTE MANAGEMENT LICENSING

1.—(1) The use, under an authorisation granted under Part I of the 1990 Act, of waste glass as part of a process within Part B of Section 3.5 (glass manufacture and production) of Schedule 1 to the 1991 Regulations if the total quantity of waste glass so used in that process does not exceed 600,000 tonnes in any period of twelve months.

(2) The storage, at the place where the process is carried on, of any such waste which is intended to be so used.

2.—(1) The operation, under an authorisation granted under Part I of the 1990 Act, of a scrap metal furnace with a designed holding capacity of less than 25 tonnes to the extent that it is or forms part of a process within paragraph (a), (b) or (d) of Part B of Section 2.1 (iron and steel), or paragraph (a), (b) or (e) of Part B of Section 2.2 (non-ferrous metals), of Schedule 1 to the 1991 Regulations.

(2) The loading or unloading of such a furnace in connection with its operation in a manner covered by the exemption conferred by sub-paragraph (1) above.

(3) The storage, at the place where such a furnace is located (but not in cases where that place is used for carrying on business as a scrap metal dealer or, in Scotland, as a metal dealer), of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (1) above.

3. The carrying on of any of the following operations—

(a) burning as a fuel, under an authorisation granted under Part I of the 1990 Act, of—

(i) straw, poultry litter or wood;

(ii) waste oil; or

(iii) solid fuel which has been manufactured from waste by a process involving the application of heat,

to the extent that it is or forms part of a process within Part B of any Section of Schedule 1 to the 1991 Regulations;

(b) the secure storage on any premises of any wastes mentioned in sub-paragraph (a) above, other than waste oil, which are intended to be burned as mentioned in that sub-paragraph, and the feeding of such wastes into an appliance in which they are to be so burned;

(c) the secure storage of waste oil at the place where it is produced for a period not exceeding twelve months if the waste oil is intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (a) above;

(d) burning as a fuel, under an authorisation granted under Part I of the 1990 Act, of tyres to the extent that it is or forms part of a process within Part B of Section 1.3 of Schedule 1 to the 1991 Regulations, and the shredding and feeding of tyres into an appliance in which they are to be so burned;

(e) the storage in a secure place on any premises of tyres where—

(i) the tyres are intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (d) above;

(ii) the tyres are stored separately;

(iii) none of the tyres is stored on the premises for longer than twelve months; and

(iv) the number of the tyres stored on the premises at any one time does not exceed 1,000.

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4.—(1) The cleaning, washing, spraying or coating of waste consisting of packaging or containers so that it or they can be reused if the total quantity of such waste so dealt with at any place does not exceed 1,000 tonnes in any period of seven days.

(2) The storage of waste in connection with the carrying on of any activities described in subparagraph (1) above if that storage is at the place where the activity is carried on unless—

- (a) the total quantity of such waste stored at that place exceeds 1,000 tonnes; or
- (b) more than 1 tonne of metal containers used for the transport or storage of any chemical are dealt with in any period of seven days.

5.—(1) Burning waste as a fuel in an appliance if the appliance has a net rated thermal input of less than 0.4 megawatts or, where the appliance is used together with other appliances, the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

(2) The secure storage of waste intended to be submitted to such burning.

(3) In this paragraph, “net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

6.—(1) Burning waste oil as a fuel in an engine of an aircraft, hovercraft, mechanically propelled vehicle, railway locomotive, ship or other vessel if the total amount burned of such waste does not exceed 2, 500 litres an hour in any one engine.

(2) The storage, in a secure container, of waste oil intended to be so burned.

7.—(1) The spreading of any of the wastes listed in Table 2 on land which is used for agriculture.

(2) The spreading of any of the wastes listed in Part I of Table 2 on—

- (a) operational land of a railway, light railway, internal drainage board or the National Rivers Authority; or
- (b) land which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, churchyard or cemetery.

Table 2

PART I

Waste soil or compost.

Waste wood, bark or other plant matter.

PART II

Waste food, drink or materials used in or resulting from the preparation of food or drink.

Blood and gut contents from abattoirs.

Waste lime.

Lime sludge from cement manufacture or gas processing.

Waste gypsum.

Paper waste sludge, waste paper and de-inked paper pulp.

Dredgings from any inland waters.

Textile waste

Septic tank sludge.

Sludge from biological treatment plants.

Waste hair and effluent treatment sludge from a tannery.

- (3) Sub-paragraphs (1) and (2) above only apply if—
- (a) no more than 250 tonnes or, in the case of dredgings from inland waters, 5,000 tonnes of waste per hectare are spread on the land in any period of twelve months;
 - (b) the activity in question results in benefit to agriculture or ecological improvement; and
 - (c) where the waste is to be spread by an establishment or undertaking on land used for agriculture, it furnishes to the waste regulation authority in whose area the spreading is to take place the particulars listed in sub-paragraph (4) below—
 - (i) in a case where there is to be a single spreading, in advance of carrying out the spreading; or
 - (ii) in a case where there is to be regular or frequent spreading of waste of a similar composition, every six months or, where the waste to be spread is of a description different from that last notified, in advance of carrying out the spreading.
- (4) The particulars referred to in sub-paragraph (3)(c) above are—
- (a) the establishment or undertaking's name and address, and telephone or fax number (if any);
 - (b) a description of the waste, including the process from which it arises;
 - (c) where the waste is being or will be stored pending spreading;
 - (d) an estimate of the quantity of the waste or, in such a case as is mentioned in sub-paragraph (3)(c)(ii) above, an estimate of the total quantity of waste to be spread during the next six months; and
 - (e) the location, and intended date or, in such a case as is mentioned in sub-paragraph (3)(c)(ii) above, the frequency, of the spreading of the waste.
- (5) Subject to sub-paragraph (6) below, the storage, at the place where it is to be spread, of any waste (other than septic tank sludge) intended to be spread in reliance upon the exemption conferred by sub-paragraph (1) or (2) above.
- (6) Sub-paragraph (5) above does not apply to the storage of waste in liquid form unless it is stored in a secure container or lagoon and no more than 500 tonnes is stored in any one container or lagoon.
- (7) The storage, in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place), of septic tank sludge intended to be spread in reliance upon the exemption conferred by sub-paragraph (1) above.
- (8) In this paragraph and paragraph 8, “agriculture” has the same meaning as in the Agriculture Act 1947(1) or, in Scotland, the Agriculture (Scotland) Act 1948(2).
- (9) In this paragraph and paragraph 30, “internal drainage board” has the meaning given by section 1(1) of the Land Drainage Act 1991(3) and, for the purposes of the definition of operational land, an internal drainage board shall be deemed to be a statutory undertaker.
- (10) In this paragraph and paragraphs 8 and 10, “septic tank sludge” has the meaning given by regulation 2(1) of the Sludge (Use in Agriculture) Regulations 1989(4).

(1) 1947 c. 48; see section 109(3).

(2) 1948 c. 45; see section 86(3).

(3) 1991 c. 59.

(4) S.I.1989/1263, amended by S.I. 1990/880.

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8.—(1) The storage, in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place) on land used for agriculture, of sludge which is to be used in accordance with the 1989 Regulations.

(2) The spreading of sludge on land which is not agricultural land within the meaning of the 1989 Regulations⁽⁵⁾ if—

- (a) it results in ecological improvement; 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 column 2 of the table.

(3) The storage, in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place), of sludge intended to be spread in reliance upon the exemption conferred by sub-paragraph (2) above.

(4) In this paragraph, “the 1989 Regulations” means the Sludge (Use in Agriculture) Regulations 1989⁽⁴⁾ and “used”, in relation to sludge, has the meaning given by regulation 2(1) of the 1989 Regulations.

(5) In this paragraph, and in paragraphs 9 and 10, “sludge” has the meaning given by regulation 2(1) of the 1989 Regulations.

9.—(1) Subject to sub-paragraph (3) below, the spreading of waste consisting of soil, rock, ash or sludge, or of waste from dredging any inland waters or arising from construction or demolition work, on any land in connection with the reclamation or improvement of that land if—

- (a) by reason of industrial or other development the land is incapable of beneficial use without treatment;
- (b) the spreading is carried out in accordance with a planning permission for the reclamation or improvement of the land and results in benefit to agriculture or ecological improvement; and
- (c) no more than 20,000 cubic metres per hectare of such waste is spread on the land.

(2) The storage, at the place where it is to be spread, of any such waste which is intended to be spread in reliance upon the exemption conferred by sub-paragraph (1) above.

(3) Sub-paragraph (1) above does not apply to the disposal of waste at a site designed or adapted for the final disposal of waste by landfill.

10.—(1) Any recovery operation carried on within the curtilage of a sewage treatment works in relation to sludge or septic tank sludge brought from another sewage treatment works if the total quantity of such waste brought to the works in any period of twelve months does not exceed 10,000 cubic metres.

(2) The treatment within the curtilage of a water treatment works of waste arising at the works from water treatment if the total quantity of such waste which is treated at the works in any period of twelve months does not exceed 10,000 cubic metres.

(3) The storage of waste intended to be submitted to the activities mentioned in sub-paragraph (1) or (2) above if that storage is at the place where those activities are to be carried on.

11. Carrying on at any place, in respect of a kind of waste listed in Table 3, any of the activities specified in that Table in relation to that kind of waste where—

- (a) the activity is carried on with a view to the recovery or reuse of the waste (whether or not by the person carrying on the activity listed in that Table); and

⁽⁵⁾ See regulation 2(1) of the 1989 Regulations.

⁽⁴⁾ S.I.1989/1263, amended by S.I. 1990/880.

- (b) the total quantity of any particular kind of waste dealt with at that place does not in any period of seven days exceed the limit specified in relation to that kind of waste in that Table.

Table 3

Kind of waste	Activities	Limit (tonnes per week)
Waste paper or cardboard	Baling, sorting or shredding	3,000
Waste textiles	Baling, sorting or shredding	100
Waste plastic	Baling, sorting, shredding, densifying or washing	100
Waste glass	Sorting, crushing or washing	1,000
Waste steel cans, aluminium cans or aluminium foil	Sorting, crushing, pulverising, shredding, compacting or baling	100
Waste food or drink cartons	Sorting, crushing, pulverising, shredding, compacting or baling	100

12.—(1) Composting biodegradable waste at the place where the waste is produced or where the compost is to be used, or at any other place occupied by the person producing the waste or using the compost, if the total quantity of waste being composted at that place at any time does not exceed—

- (a) in the case of waste composted or to be composted for the purposes of cultivating mushrooms, 10,000 cubic metres; and
 (b) in any other case, 1,000 cubic metres.

(2) The storage of biodegradable waste which is to be composted if that storage is at the place where the waste is produced or is to be composted.

(3) In this paragraph, “composting” includes any other biological transformation process that results in materials which may be spread on land for the benefit of agriculture or ecological improvement.

13.—(1) The manufacture from—

- (a) waste which arises from demolition or construction work or tunnelling or other excavations; or
 (b) waste which consists of ash, slag, clinker, rock, wood, bark, paper, straw or gypsum, of timber products, straw board, plasterboard, bricks, blocks, roadstone or aggregate.

(2) The manufacture of soil or soil substitutes from any of the wastes listed in sub-paragraph (1) above if—

- (a) the manufacture is carried out at the place where either the waste is produced or the manufactured product is to be applied to land; and
 (b) the total amount manufactured at that place on any day does not exceed 500 tonnes.

(3) The treatment of waste soil or rock which, when treated, is to be spread on land under paragraph 7 or 9, if—

- (a) it is carried out at the place where the waste is produced or the treated product is to be spread; and

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- (b) the total amount treated at that place in any day does not exceed 100 tonnes.
- (4) The storage of waste which is to be submitted to any of the activities mentioned in sub-paragraphs (1) to (3) above if—
 - (a) the waste is stored at the place where the activity is to be carried on; and
 - (b) the total quantity of waste stored at that place does not exceed—
 - (i) in the case of the manufacture of roadstone from road planings, 50,000 tonnes; and
 - (ii) in any other case, 20,000 tonnes.

14.—(1) The manufacture of finished goods from any of the following kinds of waste, namely waste metal, plastic, glass, ceramics, rubber, textiles, wood, paper or cardboard.

- (2) The storage of any such waste intended to be used in reliance upon the exemption conferred by sub-paragraph (1) above if—
 - (a) the waste is stored at the place of manufacture; and
 - (b) the total amount of any particular kind of waste stored at that place at any time does not exceed 15,000 tonnes.

15.—(1) The beneficial use of waste if—

- (a) it is put to that use without further treatment; and
- (b) that use of the waste does not involve its disposal.

(2) The storage of waste intended to be used in reliance upon the exemption conferred by sub-paragraph (1) above insofar as that storage does not amount to disposal of the waste.

(3) This paragraph does not apply to the use or storage of waste if that activity is covered by an exemption conferred by paragraph 7, 8, 9, 19 or 25, or would be so covered but for any condition or limitation to which that exemption is subject by virtue of any provision contained in the paragraph by which that exemption is conferred.

16. The carrying on, in accordance with the conditions and requirements of a licence granted under article 7 or 8 of the Diseases of Animals (Waste Food) Order 1973(6), of any activity authorised by the licence.

17.—(1) The storage in a secure place on any premises of waste of a kind described in Table 4 below if—

- (a) the total quantity of that kind of waste stored on those premises at any time does not exceed the quantity specified in that Table;
- (b) the waste is to be reused, or used for the purposes of—
 - (i) an activity described in paragraph 11; or
 - (ii) any other recovery operation;
- (c) each kind of waste listed in the Table stored on the premises is kept separately; and
- (d) no waste is stored on the premises for longer than twelve months.

Table 4

Kind of waste	Maximum total quantity
Waste paper or cardboard	15,000 tonnes

(6) S.I. 1973/1936.

Kind of waste	Maximum total quantity
Waste textiles	1,000 tonnes
Waste plastics	500 tonnes
Waste glass	5,000 tonnes
Waste steel cans, aluminium cans or aluminium foil	500 tonnes
Waste food or drink cartons	500 tonnes
Waste articles which are to be used for construction work which are capable of being so used in their existing state	100 tonnes
Solvents (including solvents which are special waste)	5 cubic metres
Refrigerants and halons (including refrigerants and halons which are special waste)	18 tonnes
Tyres	1,000 tyres

(2) In this paragraph, “refrigerants” means dichlorodifluoromethane, chlorotrifluoromethane, dichlorotetrafluoroethane, chloropentafluoroethane, bromotrifluoromethane, chlorodifluoromethane, chlorotetrafluoroethane, trifluoromethane, difluoromethane, pentafluoroethane, tetrafluoroethane, chlorodifluoroethane, difluoroethane, trichlorofluoromethane, trichlorotrifluoroethane, dichlorotrifluoroethane, dichlorofluoroethane and mixtures containing any of those substances.

18.—(1) The storage on any premises in a secure container or containers of waste of a kind described in sub-paragraph (2) below if—

- (a) the storage capacity of the container or containers does not exceed 400 cubic metres in total;
- (b) in the case of waste oil, the storage capacity of any container or containers used for its storage does not exceed 3 cubic metres in total, and provision is made to prevent oil escaping into the ground or a drain;
- (c) there are no more than 20 containers on those premises;
- (d) the waste will be reused, or used for the purposes of—
 - (i) any activity described in paragraph 11 carried on at those premises; or
 - (ii) any other recovery activity;
- (e) each kind of waste described in sub-paragraph (2) below stored on the premises is kept separately;
- (f) no waste is stored on the premises for longer than twelve months; and
- (g) the person storing the waste is the owner of the container or has the consent of the owner.

(2) Sub-paragraph (1) above applies to the following kinds of waste—

- (a) any waste described in paragraph 17 other than waste solvents, refrigerants or halons;
- (b) waste oil.

19.—(1) The storage on a site of waste which arises from demolition or construction work or tunnelling or other excavations or which consists of ash, slag, clinker, rock, wood or gypsum, if—

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- (a) the waste in question is suitable for use for the purposes of relevant work which will be carried on at the site; and
 - (b) in the case of waste which is not produced on the site, it is not stored there for longer than three months before relevant work starts.
- (2) The use of waste of a kind mentioned in sub-paragraph (1) above for the purposes of relevant work if the waste is suitable for use for those purposes.
- (3) The storage on a site of waste consisting of road planings which are to be used for the purposes of relevant work carried on elsewhere if—
- (a) no more than 50,000 tonnes of such waste are stored at the site; and
 - (b) the waste is stored there for no longer than 3 months.
- (4) In this paragraph, “relevant work” means construction work, including the deposit of waste on land in connection with—
- (a) the provision of recreational facilities on that land; or
 - (b) the construction, maintenance or improvement of a building, highway, railway, airport, dock or other transport facility on that land,

but not including either any deposit of waste in any other circumstances or any work involving land reclamation.

- 20.**—(1) Laundering or otherwise cleaning waste textiles with a view to their recovery or reuse.
- (2) The storage of waste textiles at the place where they are to be so laundered or cleaned.

- 21.**—(1) Chipping, shredding, cutting or pulverising waste plant matter (including wood or bark), or sorting and baling sawdust or wood shavings, on any premises if—
- (a) those activities are carried on for the purposes of recovery or reuse; and
 - (b) no more than 1,000 tonnes of such waste are dealt with on those premises in any period of seven days.
- (2) The storage of waste in connection with any activity mentioned in sub-paragraph (1) above at the premises where it is carried on if the total amount of waste stored at those premises does not at any time exceed 1,000 tonnes.

- 22.**—(1) The recovery, at any premises, of silver from waste produced in connection with printing or photographic processing if no more than 50,000 litres of such waste are dealt with on those premises in any day.
- (2) The storage, at those premises, of waste which is to be submitted to such a recovery operation as is mentioned in sub-paragraph (1) above.

- 23.**—(1) The keeping or treatment of animal by-products in accordance with the Animal By-Products Order 1992(7).
- (2) In this paragraph, “animal by-products” has the same meaning as in article 3(1) of the Animal By-Products Order 1992.

- 24.**—(1) Crushing, grinding or other size reduction of waste bricks, tiles or concrete, under an authorisation granted under Part I of the 1990 Act, to the extent that it is or forms part of a process within paragraph (c) of Part B of Section 3.4 (other mineral processes) of Schedule 1 to the 1991 Regulations.

(7) S.I. 1992/3303.

(2) Where any such crushing, grinding or other size reduction is carried on otherwise than at the place where the waste is produced, the exemption conferred by sub-paragraph (1) above only applies if those activities are carried on with a view to recovery or reuse of the waste.

(3) The storage, at the place where the process is carried on, of any such waste which is intended to be so crushed, ground or otherwise reduced in size, if the total quantity of such waste so stored at that place at any one time does not exceed 20,000 tonnes.

25.—(1) Subject to sub-paragraphs (2) to (4) below, the deposit of waste arising from dredging inland waters, or from clearing plant matter from inland waters, if either—

- (a) the waste is deposited along the bank or towpath of the waters where the dredging or clearing takes place; or
- (b) the waste is deposited along the bank or towpath of any inland waters so as to result in benefit to agriculture or ecological improvement.

(2) The total amount of waste deposited along the bank or towpath under sub-paragraph (1) above on any day must not exceed 50 tonnes for each metre of the bank or towpath along which it is deposited.

(3) Sub-paragraph (1) above does not apply to waste deposited in a container or lagoon.

(4) Sub-paragraph (1)(a) above only applies to an establishment or undertaking where the waste deposited is the establishment or undertaking's own waste.

(5) The treatment by screening or dewatering of such waste as is mentioned in sub-paragraph (1) above—

- (a) on the bank or towpath of the waters where either the dredging or clearing takes place or the waste is to be deposited, prior to its being deposited in reliance upon the exemption conferred by the foregoing provisions of this paragraph;
- (b) on the bank or towpath of the waters where the dredging or clearing takes place, or at a place where the waste is to be spread, prior to its being spread in reliance upon the exemption conferred by paragraph 7(1) or (2); or
- (c) in the case of waste from dredging, on the bank or towpath of the waters where the dredging takes place, or at a place where the waste is to be spread, prior to its being spread in reliance upon the exemption conferred by paragraph 9(1).

26.—(1) The recovery or disposal of waste, at the place where it is produced, as an integral part of the process that produces it.

(2) The storage, at the place where it is produced, of waste which is intended to be so recovered or disposed of.

(3) Sub-paragraph (1) above does not apply to the final disposal of waste by deposit in or on land.

27.—(1) Baling, compacting, crushing, shredding or pulverising waste at the place where it is produced.

(2) The storage, at the place where it is produced, of waste which is to be submitted to any of those operations.

28. The storage of returned goods that are waste, for a period not exceeding one month, by their manufacturer, distributor or retailer, where either—

- (a) they are intended for reuse or submission to a recovery operation; or
- (b) they are being stored, at the place where the intention to discard them was formed, pending their disposal.

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29.—(1) The disposal of waste at the place where it is produced, by the person producing it, by burning it in an incinerator which is an exempt incinerator for the purposes of Section 5.1 (incineration) of Schedule 1 to the 1991 Regulations.

(2) The secure storage at that place of any such waste intended to be submitted to such burning.

30.—(1) Subject to sub-paragraph (2) below, burning waste on land in the open if—

- (a) the waste consists of wood, bark or other plant matter;
- (b) it is produced on land which is operational land of a railway, light railway, tramway, internal drainage board⁽⁸⁾ or the National Rivers Authority, or which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, churchyard or cemetery, or it is produced on other land as a result of demolition work;
- (c) it is burned on the land where it is produced; and
- (d) the total quantity burned in any period of 24 hours does not exceed 10 tonnes.

(2) Sub-paragraph (1) above only applies to the burning of waste by an establishment or undertaking where the waste burned is the establishment or undertaking's own waste.

(3) The storage pending its burning, on the land where it is to be burned, of waste which is to be burned in reliance upon the exemption conferred by sub-paragraph (1) above.

31. The discharge of waste onto the track of a railway from a sanitary convenience or sink forming part of a vehicle used for the carriage of passengers on the railway if the discharge in question does not exceed 25 litres.

32. The burial on premises of waste arising from the use on those premises of a sanitary convenience which is equipped with a removable receptacle if the total amount buried in any period of twelve months does not exceed 5 cubic metres.

33.—(1) The keeping or deposit of waste consisting of excavated materials arising from peatworking at the place where that activity takes place.

(2) Sub-paragraph (1) above only applies to the keeping or deposit of waste by an establishment or undertaking where the waste kept or deposited is the establishment or undertaking's own waste.

34.—(1) The keeping or deposit on land at the place where it is produced of spent ballast if the land is operational land of a railway, light railway or tramway and the total amount kept or deposited at that place does not exceed 10 tonnes for each metre of track from which the ballast derives.

(2) Sub-paragraph (1) above only applies to the keeping or deposit of waste by an establishment or undertaking where the waste kept or deposited is the establishment or undertaking's own waste.

35.—(1) The deposit of waste consisting of excavated material from a borehole or other excavation made for the purpose of mineral exploration if—

- (a) it is deposited in or on land at the place where it is excavated; and
- (b) the total quantity of waste so deposited over any period of 24 months does not exceed 45,000 cubic metres per hectare.

(2) Sub-paragraph (1) above only applies if—

- (a) the drilling of the borehole or the making of any other excavation is development for which planning permission is granted by article 3 of, and Class A or B of Part 22 of Schedule 2 to, the Town and Country Planning General Development Order 1988⁽⁹⁾ or, in Scotland,

⁽⁸⁾ For the definition of "internal drainage board" see paragraph 7(9) above.

⁽⁹⁾ S.I. 1988/2293.

which is permitted by Class 53, 54 or 61 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992⁽¹⁰⁾; and

(b) the conditions subject to which the development is permitted are observed.

(3) Expressions used in this paragraph which are also used in the Town and Country Planning General Development Order 1988 or, in Scotland, the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, shall have the same meaning as in the relevant Order.

36.—(1) ~The temporary storage of waste consisting of garbage, including any such waste which is special waste, at reception facilities provided within a harbour area in accordance with the Merchant Shipping (Reception Facilities for Garbage) Regulations 1988⁽⁹⁾, where such storage is incidental to the collection or transport of the waste and so long as—

(a) the amount of garbage so stored within a harbour area at any time does not exceed 20 cubic metres for each ship from which garbage has been landed; and

(b) no garbage is so stored for more than seven days.

(2) The temporary storage of waste consisting of tank washings, including any such waste which is special waste, at reception facilities provided within a harbour area in accordance with the Prevention of Pollution (Reception Facilities) Order 1984⁽¹⁰⁾, where such storage is incidental to the collection or transport of the waste and so long as—

(a) the amount of tank washings consisting of dirty ballast so stored within a harbour area at any time does not exceed 30% of the total deadweight of the ships from which such washings have been landed;

(b) the amount of tank washings consisting of waste mixtures containing oil so stored within a harbour area at any time does not exceed 1% of the total deadweight of the ships from which such washings have been landed.

(3) In this paragraph—

“garbage” has the same meaning as in the Merchant Shipping (Reception Facilities for Garbage) Regulations 1988;

“harbour area” has the same meaning as in the Dangerous Substances in Harbour Areas Regulations 1987⁽¹¹⁾;

“ship” means a vessel of any type whatsoever operating in the marine environment including submersible craft, floating craft and any structure which is a fixed or floating platform; and

“tank washings” means waste residues from the tanks (other than the fuel tanks) or holds of a ship or waste arising from the cleaning of such tanks or holds.

37.—(1) Subject to sub-paragraph (2) below, the burial of a dead domestic pet in the garden of a domestic property where the pet lived.

(2) This paragraph does not apply if—

(a) the dead domestic pet may prove hazardous to anyone who may come into contact with it; or

(b) the burial is carried out by an establishment or undertaking and the pet did not die at the property.

⁽¹⁰⁾ S.I. 1984/862.

⁽⁹⁾ S.I. 1988/2293.

⁽¹⁰⁾ S.I. 1984/862.

⁽¹¹⁾ S.I. 1987/37.

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38. The deposit or storage of samples of waste, including samples of waste which is special waste, which are being or are to be subjected to testing and analysis, at any place where they are being or are to be tested or analysed, if the samples are taken—

- (a) in the exercise of any power under the Radioactive Substances Act 1993(**12**), the Sewerage (Scotland) Act 1968(**13**), the Control of Pollution Act 1974(**14**), the 1990 Act, the Water Industry Act 1991(**15**) or the Water Resources Act 1991(**16**);
- (b) by or on behalf of the holder of a waste management licence in pursuance of the conditions of that licence;
- (c) by or on behalf of a person carrying on in relation to the waste an activity described in this Schedule or in regulation 16(1);
- (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 of the 1990 Act applies in connection with his duties under that section; or
- (f) for the purposes of research.

39.—(1) The secure storage at a pharmacy, pending their disposal there or elsewhere, of waste medicines (including those which are special waste) which have been returned to the pharmacy from households or by individuals if—

- (a) the total quantity of such returned waste medicines at the pharmacy does not exceed 5 cubic metres at any time; and
- (b) any waste medicine so returned to the pharmacy is not stored there for longer than six months.

(2) The storage at the premises of a medical, nursing or veterinary practice of waste (including special waste) produced in carrying on that practice if—

- (a) the total quantity of that waste at the premises does not at any time exceed 5 cubic metres; and
- (b) no such waste is stored at those premises for longer than three months.

40.—(1) The storage of non-liquid waste at any place other than the premises where it is produced if—

- (a) it is stored in a secure container or containers, does not at any time exceed 50 cubic metres in total and is not kept for a period longer than 3 months;
- (b) the person storing the waste is the owner of the container or has the consent of the owner;
- (c) the place where it is stored is not a site designed or adapted for the reception of waste with a view to its being disposed of or recovered elsewhere; and
- (d) such storage is incidental to the collection or transport of the waste.

(2) The temporary storage of scrap rails on operational land of a railway, light railway or tramway if the total quantity of that waste in any one place does not at any time exceed 10 tonnes and the storage is incidental to the collection or transport of the scrap rails.

41.—(1) The temporary storage of waste, pending its collection, on the site where it is produced.

(2) Sub-paragraph (1) above shall apply to special waste if—

(12) 1993 c. 12.
 (13) 1968 c. 47.
 (14) 1974 c. 40.
 (15) 1991 c. 56.
 (16) 1991 c. 57.

- (a) it is stored on the site for no more than twelve months;
- (b) in the case of liquid waste, it is stored in a secure container and the total volume of that waste does not at any time exceed 23,000 litres; and
- (c) in any other case, either—
 - (i) it is stored in a secure container and the total volume of that waste does not at any time exceed 80 cubic metres; or
 - (ii) it is stored in a secure place and the total volume of that waste does not at any time exceed 50 cubic metres.

42.—(1) The treatment, keeping or disposal by any person at any premises of waste (including special waste) consisting of scrap metal or waste motor vehicles which are to be dismantled if—

- (a) he was carrying on the activity in question at those premises before 1st May 1994; and
- (b) he has applied, before that date, for a disposal licence under Part I of the Control of Pollution Act 1974⁽¹⁷⁾ authorising that activity and that application is pending on that date.

(2) The exemption conferred by sub-paragraph (1) above, in relation to the carrying on of an activity at any premises, shall cease to have effect in relation to the carrying on of that activity at those premises on the date on which the licence applied for is granted or, if the application is (or is deemed to be) rejected, on the date on which—

- (a) the period for appealing expires without an appeal being made; or
- (b) any appeal is withdrawn or finally determined.

43.—(1) The treatment, keeping or disposal by any person at any premises of waste (including special waste) if—

- (a) he was carrying on the activity in question at those premises before 1st May 1994; and
- (b) before that date no disposal licence was required under Part I of the Control of Pollution Act 1974⁽¹⁷⁾ for that activity.

(2) Subject to sub-paragraph (3) below, the exemption conferred by sub-paragraph (1) above, in relation to an activity carried on by a person at any premises, shall after 30th April 1995 cease to have effect in relation to the carrying on of that activity at those premises unless on or before that date he applies for a waste management licence in relation to the activity in question.

(3) Where a person makes such an application as is mentioned in sub-paragraph (2) above, the exemption conferred by sub-paragraph (1) above shall continue to have effect in relation to the activity in question until the date on which the licence applied for is granted or, if the application is (or is deemed to be) rejected, until the date on which—

- (a) the period for appealing expires without an appeal being made; or
- (b) any appeal is withdrawn or finally determined.

⁽¹⁷⁾ 1974 c. 40; “disposal licence” has the meaning given by section 3(1).

⁽¹⁷⁾ 1974 c. 40; “disposal licence” has the meaning given by section 3(1).