

---

STATUTORY INSTRUMENTS

---

**2006 No. 937**

**The Waste Management (England and Wales) Regulations 2006**

**Amendment of the Waste Management Licensing Regulations 1994**

- 6.—(1) The Waste Management Licensing Regulations 1994(1) are amended as follows.
- (2) In regulation 1(3) (interpretation) —
- (a) at the end of the definition of “the Directive”, add “, Commission Decision [96/350/EC](#) and Regulation [\(EC\) No 1882/2003](#)”; and
- (b) insert the following definitions at the appropriate places—
- ““agricultural waste” means, in relation to England and Wales, waste from premises used for agriculture within the meaning of the Agriculture Act 1947;” and
- ““mines or quarries waste” means, in relation to England and Wales, waste from a mine or quarry;”.
- (3) Regulation 15 (groundwater) is revoked.
- (4) In regulation 16 (exclusion of activities under other control regimes from waste management licensing)—
- (a) at the end of paragraph (1)(c), omit “and”; and
- (b) at the end, insert—
- “; and
- (e) the disposal of agricultural waste in or on land under an authorisation under regulation 18 of the Groundwater Regulations 1998(2);”.
- (5) In regulation 18 (registration in connection with exempt activities)—
- (a) omit paragraphs (1A) and (1B)(3);
- (b) omit paragraph (10)(b); and
- (c) for paragraph (10)(c), substitute—
- “(c) in the case of an exempt activity falling within paragraph 23 of Schedule 3—
- (i) in England, the authority responsible for granting an authorisation under which the exempt activity is carried on under regulation 27 of the Animal By-Products Regulations 2005; and
- (ii) in Wales, the authority responsible for granting an authorisation under which the exempt activity is carried on under regulation 27 of the Animal By-Products (Wales) Regulations 2003(4);”.
- (6) After regulation 18AA, insert—

---

(1) [S.I. 1994/1056](#); relevant amending instruments are [S.I. 1995/288](#), [S.I. 1996/972](#) and [S.I. 2005/1728](#).

(2) [S.I. 1998/2746](#).

(3) Paragraphs (1A) and (1B) of regulation 18 were inserted by regulation 3(8) of [S.I. 1995/228](#).

(4) [S.I. 2003/2756 \(W. 267\)](#). Regulation 2(1) of [S.I. 2003/2756 \(W. 267\)](#) defines “the Community Regulation” to mean Regulation (EC) No. [1774/2002](#) as amended by various Community measures.

**“Records in relation to exempt activities**

**18A.**—(1) An establishment or undertaking carrying on an exempt activity to which this regulation applies shall keep records of the quantity, nature, origin and, where relevant, destination and treatment method of all waste recovered in the course of that activity.

(2) This regulation—

- (a) applies to an activity falling within paragraph 47 of Schedule 3<sup>(5)</sup>; but
- (b) does not apply where that activity is carried out on land subject to an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998<sup>(6)</sup>.

(3) Records required under this regulation shall be kept for a period of at least two years and shall be made available to the appropriate registration authority on request.

(4) A person who fails to comply with a requirement imposed on him by this regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.”

(7) In regulation 18AA (supervision of exempt activities), in paragraph (12) after “In this regulation,” insert ““appropriate registration authority” has the same meaning as in regulation 18(10) and“.

(8) In regulation 20 (registration of brokers)—

(a) in paragraph (4)—

- (i) at the end of sub-paragraph (c) delete “or”; and
- (ii) at the end insert—  
“;

- (e) arranges on behalf of another person (as dealer or broker) for the disposal or recovery of agricultural waste or mines or quarries waste only; or
- (f) arranges on behalf of another person (as dealer or broker) for the disposal or recovery of waste comprising animal by-products only”;

(b) at the end, insert—

“(9) In this regulation, in relation to England and Wales, “animal by-products” has the same meaning as in the Community Regulation, and “Community Regulation” has the same meaning as in regulation 2(1) of the Animal By-Products Regulations 2005.”.

(9) In Schedule 3 (activities exempt from waste management licensing)—

- (a) omit paragraph 16;
- (b) for paragraph 23, substitute—

**“23.**—(1) The recovery of waste consisting of animal by-products at a collection centre—

- (a) in relation to England, in accordance with an authorisation under regulation 27 of the Animal By-Products Regulations 2005; or
- (b) in relation to Wales, in accordance with an authorisation under regulation 27 of the Animal By-Products (Wales) Regulations 2003;

if the total quantity of waste being recovered at that collection centre at any time does not exceed 10 tonnes.

<sup>(5)</sup> Paragraph 47 of Schedule 3 was inserted by regulation 6(9)(e) of these Regulations.

<sup>(6)</sup> S.I. 1998/1202, to which there are amendments not relevant to these Regulations.

- (2) The storage of the waste intended to be submitted to such a recovery operation as is referred to in sub-paragraph (1) above if—
- (a) storage takes place in a secure place; and
  - (b) no waste is stored for more than twelve months.
- (3) In this paragraph—
- (a) in relation to England, “animal by-products” and “collection centre” have the same meaning as in the Community Regulation and “Community Regulation” has the same meaning as in regulation 2(1) of the Animal By-Products Regulations 2005; and
  - (b) in relation to Wales, “animal by-products” and “collection centre” have the same meaning as in the Community Regulation and “Community Regulation” has the same meaning as in regulation 2(1) of the Animal By-Products (Wales) Regulations 2003.”;
- (c) in paragraph 30—
- (i) for sub-paragraph (1)(a), substitute—
    - “(a) the waste consists of plant tissue;”;
  - (ii) at the beginning of sub-paragraph (1)(b), insert “it is agricultural waste or”; and
  - (iii) at the end, insert—
    - “(4) The incorporation into soil of ash from cereal straw or cereal stubble burned in reliance of the exemption conferred by sub-paragraph (1) above if—
      - (a) the incorporation is on the land where the ash was produced; and
      - (b) the ash is incorporated in accordance with paragraph 10 of Schedule 2 to the Crop Residues (Burning) Regulations 1993(7).”;
- (d) in paragraph 45, at the beginning of sub-paragraph (6), insert “In sub-paragraphs (3) and (4), “appropriate registration authority” has the same meaning as in regulation 18(10), and“;
- (e) after paragraph 46A(8), insert—
- “47.—(1) The treatment of land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—
- (a) the waste consists only of liquid milk;
  - (b) the land is at least—
    - (i) 10 metres from a watercourse; and
    - (ii) 50 metres from a spring, well or borehole;
  - (c) before the treatment the waste is diluted with not less than an equal quantity of water or slurry;
  - (d) at the start of the treatment and at any time during the treatment—
    - (i) the land has not been frozen for 12 or more hours during the preceding 24 hours;
    - (ii) the land is not waterlogged, flooded or snow-covered;

---

(7) S.I. 1993/1366.

(8) Inserted by S.I. 2005/1728, regulation 18.

- (e) the activity is carried out in accordance with any requirement imposed by an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998;
- (f) the land is treated at a rate no greater than 50 cubic metres (tonnes) of diluted waste per hectare per 24 hours;
- (g) in any month the land is treated with no more than 50 cubic metres (tonnes) of diluted waste per hectare; and
- (h) the total amount of nitrogen added to the soil as a result of the treatment does not exceed 250 kilogrammes per hectare in any period of twelve months.

(2) The secure storage or dilution of waste intended to be used to treat land as specified in sub-paragraph (1) above.

**48.** The deposit of agricultural waste consisting of plant tissue at the place of production if—

- (a) there is no more than 250 cubic metres (tonnes) in any one deposit;
- (b) the deposit is made on land which is at least—
  - (i) 10 metres from a watercourse; and
  - (ii) 50 metres from a spring, well or borehole;
- (c) the deposit is not immediately adjacent to any other deposit made in reliance on this exemption;
- (d) at the time the deposit is made—
  - (i) the land has not been frozen for 12 or more hours during the preceding 24 hours;
  - (ii) the land is not waterlogged, flooded or snow-covered; and
- (e) the deposit is carried out in accordance with any requirement imposed by an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998.”.

(10) In Part I of Schedule 4 (Waste Framework Directive etc.)—

- (a) in paragraph 9, omit sub-paragraphs (2) and (6).
- (b) omit sub-paragraph (3) of paragraph 10 (modification of Part I of the Control of Pollution Act 1974);
- (c) at the end of paragraph 11 (references to “waste” in planning and water legislation), insert “and section 85(1) of the Water Resources Act 1991(9) shall have effect as if the word “solid” were omitted“;
- (d) in paragraph 12 (registration by professional collectors and transporters of waste, and by dealers and brokers)—
  - (i) for sub-paragraphs (1) and (2) substitute—
    - “(1) Subject to sub-paragraph (3) below, it shall be an offence for an establishment or undertaking falling within—
      - (a) sub-paragraph (a), (c), (f) or (g) of regulation 2(1) of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 to collect or transport waste on a professional basis; or
      - (b) sub-paragraph (i) or (j) of that regulation to collect or transport waste on a professional basis after 15th November 2006,

unless it is registered in accordance with the provisions of this paragraph.

(2) Subject to sub-paragraph (3) below, it shall be an offence for an establishment or undertaking falling within—

(a) sub-paragraph (a), (b) or (c) of regulation 20(4); or

(b) sub-paragraph (e) or (f) of that regulation after 15th November 2006,

to arrange for the recovery or disposal of waste on behalf of another person unless it is registered in accordance with the provisions of this paragraph.”;

(ii) in sub-paragraph (11) for “and “controlled waste” have the same meaning as they have“, substitute “has the same meaning as it has”.

(11) For Parts III and IV of Schedule 4 substitute—

### “Part III

#### Waste Disposal Operations

1. Deposit of waste into or onto land (for example, landfill) (D1).
2. Land treatment of waste (for example, biodegradation of liquid or sludgy discards in soils) (D2).
3. Deep injection of waste (for example, injection of pumpable discards into wells, salt domes or naturally occurring repositories) (D3).
4. Surface impoundment of waste (for example, placement of liquid or sludgy discards into pits, ponds or lagoons) (D4).
5. Specially engineered landfill of waste (for example, placement of waste into lined discrete cells which are capped and isolated from one another and the environment) (D5).
6. Release of waste into a water body except seas or oceans (D6).
7. Release of waste into seas or oceans including sea-bed insertion (D7).
8. Biological treatment of waste not listed elsewhere in this Part of this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations listed in paragraphs 1 to 12 of this Part of this Schedule (D8).
9. Physico-chemical treatment of waste not listed elsewhere in this Part of this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations listed in paragraphs 1 to 12 of this Part of this Schedule (for example, evaporation, drying, calcination) (D9).
10. Incineration of waste on land (D10).
11. Incineration of waste at sea (D11).
12. Permanent storage of waste (for example, emplacement of containers in a mine) (D12).
13. Blending or mixing of waste prior to the waste being submitted to any of the operations listed in paragraphs 1 to 12 of this Part of this Schedule (D13).
14. Repackaging of waste prior to the waste being submitted to any of the operations listed in paragraphs 1 to 13 of this Part of this Schedule (D14).
15. Storage of waste pending any of the operations listed in paragraphs 1 to 14 of this Part of this Schedule, but excluding temporary storage, pending collection, on the site where the waste is produced (D15).

(Note:- the reference in brackets at the end of each paragraph of this Part of this Schedule is the number of the corresponding paragraph in Annex IIA to the Directive.)

## Part IV

### Waste Recovery Operations

1. Use of waste principally as a fuel or for other means of generating energy (R1).
2. Reclamation or regeneration of solvents (R2).
3. Recycling or reclamation of organic substances which are not used as solvents, including composting and other biological transformation processes (R3).
4. Recycling or reclamation of metals and metal compounds (R4).
5. Recycling or reclamation of other inorganic materials (R5).
6. Regeneration of acids or bases (R6).
7. Recovery of components used for pollution abatement (R7).
8. Recovery of components from catalysts (R8).
9. Re-refining, or other reuses, of oil which is waste (R9).
10. Land treatment resulting in benefit to agriculture or ecological improvement (R10).
11. Use of waste obtained from any of the operations listed in paragraphs 1 to 10 of this Part of this Schedule (R11).
12. Exchange of waste for submission to any of the operations listed in paragraphs 1 to 11 of this Part of this Schedule (R12).
13. Storage of waste pending any of the operations listed in paragraphs 1 to 12 of this Part of this Schedule, but excluding temporary storage, pending collection, on the site where the waste is produced (R13).

(Note:- the reference in brackets at the end of each paragraph of this Part of this Schedule is the number of the corresponding paragraph in Annex IIB to the Directive.)”