



Scottish Executive Environment Group
Environmental Protection

**Waste Management Licensing Exemptions: a
Codification**

Consultation Paper on Codifying Schedule 3 to the
Waste Management Licensing Regulations 1994
(Exemptions)

November 2005
Paper 2005/28

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ISBN: 0-7559-2823-7

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St Andrew's House
Edinburgh
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Produced for the Scottish Executive by Astron B44083 11/05

Published by the Scottish Executive, November, 2005

Further copies are available from
Blackwell's Bookshop
53 South Bridge
Edinburgh
EH1 1YS

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EXECUTIVE SUMMARY

i. The Scottish Executive is consulting on proposals to codify Schedule 3 to the Waste Management Licensing Regulations 1994 (as amended). This Schedule gives details of the various waste management activities which are exempted from the requirements for a full Waste Management Licence.

ii. Some changes are also proposed to the exemptions, to ensure that any exemptions which apply to special (that is, hazardous) wastes should be in accordance with best European practice. The changes we are proposing to make are very minor, since the Regulations had already been amended to ensure that exemptions are not available for the *disposal* of special waste in circumstances contrary to Community law.

iii. Other than these changes, some consequential amendments are necessary to reflect recent legislation. These are unlikely to have any effect on practitioners.

iv. Apart from these amendments, the purpose of this exercise is to codify, or consolidate legislation which has been considerably amended since it first came into force. The proposed Schedule 3 on which we are consulting is therefore, with these small exceptions, merely a restatement of the existing law in a more accessible form.

v. It follows that the effect of the proposals is almost entirely to make the law more easy to follow. We think it highly unlikely that many parties will notice a regulatory difference.

vi. This paper is the first part of further work to regulate waste in a better, more consistent way. The paper introduces the need to make changes to the waste management licensing regime to take account of the new arrangements for the Scottish water environment. However, it also introduces possibilities for making changes to the way waste is regulated in Scotland, and we would be grateful for comments on the desirability of taking these further.

vii. A brief Regulatory Impact Assessment is appended. Since a codification of this nature does not change the existing law, but merely restates it, it has minimal financial impact. Consequently the only significant matter to be assessed is the changes proposed to exemptions for special waste.

Submission of responses

viii. Responses to this consultation should be received by 17 February 2006. They should be sent, by post to:-

Mr Gary Gray
Waste Regulation Team
Scottish Executive Environment & Rural Affairs Department
Mailpoint 12
Victoria Quay
Edinburgh
EH6 6QQ

or by e-mail to:-

waste.team@scotland.gsi.gov.uk

ix. We would be grateful if those responding by e-mail could include their full name and postal address, or that of their organisation, in the body of the e-mail.

Enquiries and further copies

x. An electronic version of this consultation paper may be downloaded from the Scottish Executive's website at www.scotland.gov.uk/consultations/environment. A limited number of hard copies is also available. Requests for further hard copies should be made to 0131-244-0363.

Publicity and openness

xi. The Scottish Executive may wish to publish responses or deposit them in its libraries. If this is done, all responses will be so published or deposited **unless the respondent specifically asks for his or her response to be treated as confidential**. Confidential responses will still be included in any statistical or summary form which does not identify the source of the views expressed.

SCHEDULE 3

1. The Waste Management Licensing Regulations 1994 (WMLR) provide a regulatory framework for the treatment, keeping or disposal of “controlled waste” – which term covers all materials which are stated to be waste by the European Waste Framework Directive ¹.

2. Schedule 3 to the WMLR lists a range of activities which are benign to the environment and human health, and which are useful and worthy of encouragement. Activities listed in this Schedule benefit from what is called an “exemption”, which means that they do not have to fulfil all the requirements necessary to obtain a full waste management licence. Provision for such exemptions is made in the Waste Framework Directive.

3. This does not mean these activities are uncontrolled. The Scottish Environment Protection Agency (SEPA) may take action where it believes an exemption is being abused. Under the WMLR SEPA must carry out its functions with the objective of avoiding danger to human health or to the environment. The qualifications for gaining an exemption are not uniform. Some require the provision of detailed documentation and the following of statutory procedures. Furthermore, though some exemptions are available free of charge, in other cases a fee for the exemption is payable to SEPA – particularly where SEPA has to revise technical documentation, and carry out detailed inspections.

4. The benefit to practitioners of an exemption, however, is that in all cases the regulatory requirements and the fees payable are less than those which would apply if they had to obtain a full waste management licence.

5. Consequently the exemptions listed in Schedule 3 have been kept under constant review, from at least two important perspectives. On the one hand waste operators have been keen to see their activities included among those which can be exempted, and on the other there has been a necessity to ensure that potentially harmful activities should not escape proper controls.

6. These circumstances have resulted in Schedule 3 being amended almost a dozen times, often quite substantially. Furthermore, though the WMLR was originally a GB-wide documentation, different paces of change and different policy requirements have resulted in the version of the WMLR in force in Scotland diverging from that in force in England & Wales. An example of a particular pressure in Scotland has been concern at the misuse of exemptions for organic wastes, which resulted in inquiries by two committees of the Scottish Parliament. The response to these changes led to significant amendments to Schedule 3 well in advance of slightly different changes in England & Wales.

7. There are also exemptions which are now out of date, in that there is no possibility of an activity covered by them taking place. These will be considered in detail later in this paper.

¹ O.J. No. L 194, 25.7.1975, p.39, as amended by Council Directives 91/156/EEC (O.J. No. L 78, 26.3.1991, p.32) and 91/692/EEC (O.J. No. L 377, 31.12.1991, p.48) and Commission Decision 96/350/EC (O.J. L 135, 6.6.1996, p.32).

8. The Scottish Executive therefore feels that a clear statement of the current situation regarding exemptions in Scotland, such as would be provided by a formal codification of Schedule 3, would be welcomed by practitioners and regulators alike.

SPECIAL WASTE

9. At the same time, the Scottish Executive wishes to take the opportunity of a codification to notify those exemptions which deal with special waste to the European Commission. “Special waste” is the term used in Scotland for what is described as “hazardous waste” in Community legislation. Article 3 of the Hazardous Waste Directive² permits the system of exemptions provided for in the Waste Framework Directive to be extended to hazardous waste with, however, some provisos. No exemption is to be available for the *disposal* of its own hazardous waste by any establishment or undertaking. Exemptions for the *recovery* of hazardous wastes must be subject to general rules, and must be notified in advance to the Commission, so that Member States can be consulted.

10. An amendment to Regulation 17(1) of the WMLR by the Special Waste Regulations 1996³ ensured that no exemption was available for the disposal by any establishment or undertaking of its own special waste. However, exemptions in force in Scotland (or other parts of the UK) dealing with special waste have not been notified to the Commission. The European Court of Justice found that this omission was a breach of Community law on 12 October 2004⁴, in a case which addressed a range of failings by the UK in implementing the Hazardous Waste Directive. The further amendment to Regulation 17 proposed in this paper tidies the wording relating to special waste.

11. The Scottish Executive has been working to bring our transposition of the Hazardous Waste Directive up to date, and this process was largely completed by the Special Waste Amendment (Scotland) Regulations 2004⁵, which came fully into force on 1 July 2004. In particular, these Regulations applied the latest Europe-wide list of hazardous, or special wastes, in Scotland. The fact that the up-to-date list was not being applied in Scotland was an obstacle to notification.

12. Another obstacle to notification has been the sheer difficulty of notifying a Schedule which has been amended so frequently. The proposed codification has provided an opportunity to notify a single, accessible document.

13. While at present all exemptions are subject to the rules contained in the relevant paragraphs of the Schedule, we are proposing now to make a small number of amendments to those exemptions dealing with special waste to ensure that clear limit values are set. This would be in keeping with the requirements of the Hazardous Waste Directive. These amendments will be considered in more detail in the next section.

² 91/689/EEC

³ SI 1996/972

⁴ Case C-431/02

⁵ SSI 2004/112

CHANGES TO EXISTING EXEMPTIONS

14. Most of what the Scottish Executive is proposing in this paper consists merely of a restatement of the existing law, in a more accessible form. In a few cases, however, we are proposing changes. These are discussed below. **The numbering of paragraphs in this section follows that which appears in the Schedule 3 currently in force. Please note that the draft Regulations published in this consultation document have a slightly different numbering.** For the most part, the new paragraph numbers are two greater than the existing ones.

15. In **paragraph 3(c)** there is an exemption from the licensing requirements for waste oil being stored prior to burning as a fuel. There is no limit placed on the amount of oil which should be stored under an exemption. This is unlikely to satisfy the requirements of the Hazardous Waste Directive. Indeed, it appears anomalous in the context of an exemptions regime designed to apply a lighter-touch regime to benign or relatively small-scale activities, that limitless quantities of waste oil could be stored without the requirement for a full waste management licence. For these reasons we are proposing to limit this exemption to a quantity of 23,000 litres.

16. For the same reasons we are proposing a similar limit on the amount of waste oil which may be stored in accordance with **paragraph 6(2)**. The limit quantity of 23,000 litres was chosen to be consistent with paragraph 41, which also relates to the storage of liquid waste.

17. An amendment is proposed to **paragraph 17**, whereby the list in paragraph 17(2) is replaced by a single reference to HCFC's and HFC's, with the relevant waste code, since that is the one at which the relevant provision is aimed.

18. To comply with the requirements of the Hazardous Waste Directive that exemptions for special waste should have clear parameters set, a new limit of 1,000 tonnes is proposed for the storage exemption in **paragraph 28**. This amount is chosen for consistency with paragraph 4. Similarly, a limit of 10 tonnes is proposed for the testing an analysis exemption in **paragraph 38**. This amount is chosen for consistency with paragraphs 12(3) and 23(1).

19. The proposed amendment to **paragraph 29** clarifies that this exemption is applicable even to plants which carry out incineration of waste which are not "incineration plants" or "co-incineration plants" in terms of the Waste Incineration Directive⁶ and the Waste Incineration (Scotland) Regulations 2003⁷ which implement it in Scotland. The match between definitions in the 1994 Regulations and the 2003 Regulations is provided for in the proposed amendment to Regulation 1(3) of the former.

20. The Scottish Executive believes that **paragraph 42** can be repealed. This allowed the treatment, keeping or disposal of scrap metals or waste motor vehicles to be carried on without the need for a full waste management licence provided that the operator was carrying on the activity at the same premises before 1 April 1995, and had applied, before that date, for

⁶ 2000/76/EC

⁷ SSI 2003/170

a licence under the Control of Pollution Act 1974. There is no-one now in this position, and it is impossible that anyone could qualify for this exemption in the future. It may therefore be repealed.

21. In the same way we believe **paragraph 43** has outlasted its usefulness. This allows waste management activities which did not need a licence under the 1974 Act, and which have been carried on at the same premises since before 1 May 1994, to continue to be carried on under an exemption – but only if a licence were applied for before 30 September 1996, at the latest. We do not believe there is any operator in this position and, again, it would be impossible for anyone to qualify for this exemption in the future.

Notification

22. **The Scottish Executive has notified the draft codification to the Commission. If any further changes are made as a result of this consultation, they too will be notified to the Commission. We recognise that if the Commission raises comments or queries about the compatibility of the proposed exemptions with Community law, any such comments or queries will have to be taken into consideration – just as points raised by all parties during consultation are taken into consideration.**

FURTHER DEVELOPMENT OF WASTE REGULATION

23. The Executive is considering making various changes to the waste regime to ensure better regulation, which is more consistent with that provided in other regimes designed to avoid harm to the environment or human health.

24. One example is the system of arrangements which have been established, following the Water Environment and Water Services (Scotland) Act 2003, for the protection of the water environment. The waste management system must be made compatible with this.

25. The Scottish Executive will also be giving further consideration to the fit of the waste management licensing system with PPC permitting.

26. It is possible that changes could be made to the waste regime which would improve regulation. It may be that administrative procedures could be simplified in such a way that Community law (and above all the Community-wide definition of waste) could still be observed. More up-to-guidance relating to this definition could be given.

27. Changes need not be restricted to administrative procedures. While any change to primary legislation is not under consideration, changes could be made to secondary legislation which would, for example, simplify the current arrangement for demonstrating that an operator is a “fit and proper person”. Another possibility, which may be possible through administrative change or change to secondary legislation, could be to develop a kind of generic, simplified licence for some low-impact waste operations. A generic licence would have most of its conditions standardised, and therefore would represent a simpler application process entailing a lower regulatory effort.

28. We would be interested in views on the above issues. In particular, we would be interested in suggestions on:-

What administrative changes would be useful and compatible with legal obligations?

What changes to secondary legislation, compatible with Community law, would improve regulation of waste?

How might arrangements to demonstrate that an applicant is a “fit and proper person” be simplified?

What might be the conditions of a “generic” licence for a low-impact activities, and what are the kinds of low-impact activities which might benefit?

29. Another possibility would be to amend the current exemptions. This paper is not deliberately seeking suggestions for amendments to the exemptions currently in force. In particular, those governing the recovery of organic waste have received considerable attention in the last three years already.

30. However, if any suggestions for changes to Schedule 3 are made in response to this paper, they will be considered – particularly if supported by adequate

documentation demonstrating how the objective of avoiding harm to human health or the environment can be upheld.

31. It is likely that the issues described above will be the subject of a further, considerably more detailed, consultation paper. Response now will help inform the content of such a paper.

2006 No.

ENVIRONMENTAL PROTECTION

**The Waste Management Licensing Amendment (Scotland)
Regulations 2006**

<i>Made</i> - - - -	2006
<i>Laid before the Scottish Parliament</i>	2006
<i>Coming into force</i> - -	2006

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽⁸⁾ and all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Waste Management Licensing Amendment (Scotland) Regulations and shall come into force on 1st April 2006.

(2) Any word or expression used both in these Regulations and the Waste Management Licensing Regulations 1994⁽⁹⁾ (“the 1994 Regulations”) has the same meaning for the purposes of these Regulations as it has for the purposes of the 1994 Regulations.

(3) These Regulations extend to Scotland only.

Amendment of the Waste Management Licensing Regulations 1994

2. The 1994 Regulations are amended as follows.

3. In regulation 1(3) (citation, commencement, interpretation and extent)–

- after the definition of “agricultural waste” insert–

““co-incineration plant” means any stationary or mobile plant whose main purpose is the generation of energy or production of material products and–

— which uses wastes as a regular or additional fuel; or

— in which waste is thermally treated for the purpose of disposal;

if co-incineration takes places in such a way that the main purpose of the plant is not the generation of energy or production of material products but rather the thermal treatment of waste, the plant shall be regarded as an incineration plant; this definition covers the site and the entire plant including all co-incineration lines, waste reception, storage, on site pre-treatment

⁽⁸⁾ 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

⁽⁹⁾ S.I. 1994/1056; amended by S.I. 1994/1137; 1995/288 and 1950; 1996/593, 634, 916, 972, 973 and 1279; 1997/351 and 2203; 1998/606 and 2746; S.S.I. 2000/323; S.S.I. 2003/170, 171 and 593; S.S.I. 2004/275; S.S.I. 2005/22.

facilities, waste-, fuel- and air-supply systems, boiler, facilities for the treatment of exhaust gases, on-site facilities for treatment or storage of residues and waste water, stack devices and systems for controlling incineration operations, recording and monitoring incineration conditions;”

- after the definition of “exempt activity” insert–

““incineration plant” means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of wastes with or without recovery of the combustion heat generated. This includes the incineration by oxidation of waste as well as other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated. This definition covers the site and the entire incineration plant including all incineration lines, waste reception, storage, on site pretreatment facilities, waste-fuel and air-supply systems, boiler, facilities for the treatment of exhaust gases, on-site facilities for treatment or storage of residues and waste water, stack, devices and systems for controlling incineration operations recording and monitoring incineration conditions;”

4. For regulation 17 (exemptions from waste management licensing) substitute–

“Exemptions from waste management licensing

17.—(1) Subject to the following provisions of this regulation and to any conditions or limitations in Schedule 3, section 33(1)(a) and (b) of the 1990 Act shall not apply in relation to the carrying on of any exempt activity set out in that Schedule.

(2) Paragraph (1) applies to the carrying on of an exempt activity insofar as it involves special waste–

- (a) only to the extent indicated in Schedule 3; and
- (b) provided that the activity does not involve the carrying out, by an establishment or undertaking, of their own disposal of such waste at the place of production.

(3) In the case of an exempt activity carried out by an establishment or undertaking on any land not within ownership or control the establishment or undertaking shall obtain all consents necessary to enable the activity to be carried out.

(4) Unless otherwise indicated in Schedule 3, paragraph (1) above does not apply to the carrying out of an activity in so far as it involves the storage or treatment of WEEE.

(5) In the case of an exempt activity set out in paragraph 46(1), (2) or (5) of Schedule 3, paragraph (1) applies only if the activity was carried on before 31st March 1995.

(6) In the case of an exempt activity involving the carrying out by an establishment or undertaking of the disposal or recovery of waste, paragraph (1) applies only if–

- (a) the type and quantity of waste; and
- (b) the method of disposal or recovery,

are consistent with ensuring the attainment of the objectives mentioned in paragraph 4(1)(a) of Part I of Schedule 4.

(7) For the purposes of Schedule 3, a container, lagoon or place is secure in relation to waste kept in it if all reasonable precautions are taken to ensure that the waste cannot escape from it and members of the public are unable to gain access to the waste, and any reference to secure storage means storage in a secure container, lagoon or place.

(8) SEPA shall have regard to any guidance issued to it by the Scottish Ministers with respect to the discharge of its functions in relation to an exempt activity.”

5. For regulation 18(1A) substitute–

“(1A) Paragraph (1) shall not apply in the case of an exempt activity falling within regulation 8 of the Waste (Scotland) Regulations 2005⁽¹⁰⁾.”

⁽¹⁰⁾ S.S.I. 2005/22.

6. For Schedule 3 (activities exempt from waste management licensing), substitute the Schedule to these Regulations.

Transitional provisions

7. Any exempt activity carried on immediately before [commencement date] under Schedule 3 to the 1994 Regulations, may continue to be carried on—

- where the establishment or undertaking carrying on the activity applies to SEPA for a waste management licence or a permit under regulation 7 of the Pollution Prevention and Control (Scotland) Regulations 2000⁽¹¹⁾ in relation to the activity in question before [commencement date], until the date on which the licence or permit applied for is granted, or if the application is (or is deemed to be) rejected, until the date on which—
 - (i) the period for appealing expires without an appeal having been made; or
 - (ii) any appeal is withdrawn or finally determined;
- where the establishment or undertaking is carrying on an activity to which regulation 18(4C) applies, until the earlier of—
 - (iii) the date upon which that activity is deemed to have been removed from the register in accordance with regulation 18(4C)(d); or
 - (iv) [commencement date + 12 months]; and
- in any other case, until [commencement date + 12 months].

8. Where SEPA receives notice under regulation 18(4) or regulation 18(4C)(b) of the 1994 Regulations but the relevant particulars are not yet entered or deemed to be entered into the register before [commencement date], that notification shall be treated as if it had been submitted on [commencement date].

A member of the Scottish Executive

St Andrew's House,
Edinburgh

2006

⁽¹¹⁾ S.S.I. 2000/323 as amended by 2004 asp 8, Schedule 2, paragraph 7; by S.S.I. 2002/493; S.S.I. 2003/146; 170, 221, 235 and 411; S.S.I. 2004/26, 110, 112 and 512; S.S.I. 2005/101 and 340.

SCHEDULE

Regulation 5

NEW SCHEDULE 3 TO THE WASTE MANAGEMENT LICENSING REGULATIONS 1994

“SCHEDULE 3

Regulation 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 use, under a permit granted under the 2000 Regulations, of waste glass as part of an activity within Part B of Section 3.3 (the manufacture of glass and glass fibre) of Part 1 of Schedule 1 to the 2000 Regulations if the total quantity of waste glass so used in that activity does not exceed 600,000 tonnes in any period of twelve months.

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

3.—(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 metal dealer), of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (1) above.

4.—(1) The operation, under a permit under the 2000 Regulations, of a scrap metal furnace with a design holding capacity of less than 25 tonnes to the extent that it is or forms part of an activity within paragraph (a) or (d) of Part B of Section 2.1 (ferrous metals) or paragraph (a) or (b) of Part B of Section 2.2 (non-ferrous metals) of Part 1 of Schedule 1 to the 2000 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).

(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) of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (1).

5. 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 or a permit granted under the 2000 Regulations, of—
 - (i) straw, poultry litter or wood;
 - (ii) waste oil (including waste oil which is special waste); 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 or an activity within Part B of any Section of Part 1 of Schedule 1 to the 2000 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 (including waste oil which is special waste) 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; and provided that the total volume of that oil does not at any time exceed 23,000 litres;
- (d) burning as a fuel, under an authorisation granted under Part I of the 1990 Act or a permit granted under the 2000 Regulations, 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 or an activity within Part B of Section 1.1 of Part 1 of Schedule 1 to the 2000 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.

6.—(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 sub-paragraph (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.

7.—(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 (whether or not it is operated simultaneously 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.

8.—(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 if the total volume of that oil does not, at any time, exceed 23,000 litres.

9.—(1) The treatment with any of the wastes listed in Table 2 of land used for agriculture where such treatment results in benefit to agriculture or ecological improvement.

(2) The treatment with any of the wastes listed in Part I of Table 2 of—

- (a) operational land of a railway, light railway or the British Waterways Board; or
- (b) land which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, churchyard or cemetery;

where the land in question is not used for agriculture and such treatment results in ecological improvement.

TABLE 2

<i>Codes*</i>	<i>Types of waste</i>
PART I	
<i>wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>	
02 01 03	plant-tissue waste
<i>wastes from sugar processing (02 04)</i>	
02 04 01	soil from cleaning and washing beet
<i>wastes from wood processing and the production of panels and furniture (03 01)</i>	
03 01 01	waste bark and cork
03 01 05	sawdust shavings, cuttings, wood, particle board ***
<i>wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 01	waste bark and wood (including virgin pulp)
<i>soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 04	soil and stones**
<i>wastes from aerobic treatment of solid wastes (19 05)</i>	
19 05 03	Off-specification compost consisting only of biodegradable waste***
<i>garden and park wastes (including cemetery waste) (20 02)</i>	
20 02 01	biodegradable waste
20 02 02	soil and stones
PART II <i>wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>	
02 01 99	straw, wood or paper-based bedding waste, slurry or dirty water from stables, zoos, animal parks or livestock markets, animal faeces, urine and manure***
<i>wastes from the preparation and processing of meat, fish and other foods of animal origin (02 02)</i>	
02 02 03	materials unsuitable for consumption or processing consisting of blood and gut contents from abattoirs or poultry preparation plants***
02 03	wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation- all wastes under this category
02 04	wastes from sugar processing- all wastes under this category
02 05	wastes from production of dairy products***
02 06	wastes from the baking and confectionary industry – all wastes under this category
02 07	wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa)- all wastes under this category
<i>wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 01	waste bark and wood (including virgin pulp)
03 03 09	Lime mud waste

<i>Codes*</i>	<i>Types of waste</i>
03 03 11	sludges from on-site effluent treatment plants treating only virgin paper wastes which contain no inks***
03 03 99	de-inked paper sludge from paper recycling, paper crumble derived from virgin pulp which contains no inks***
<i>wastes from the leather and fur industry (04 01)</i>	
04 01 07	sludges, in particular from on-site effluent treatment free of chromium
<i>wastes from the textile industry (04 02)</i>	
04 02 10	organic matter from natural products (for example grease, wax)
04 02 15	wastes from finishing other than those containing organic solvents
04 02 20	sludges from on-site effluent treatment **
04 02 21	wastes from unprocessed textile fibres
04 02 22	wastes from processed textile fibres
<i>wastes from power stations and other combustion plants (except wastes from waste management facilities, off site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use) (10 01)</i>	
10 01 99	gypsum***
<i>wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>	
10 13 04	gypsum***
<i>soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 06	dredging spoil **
<i>wastes from anaerobic treatment of waste (19 06)</i>	
19 06 03	liquor from anaerobic treatment of municipal waste
19 06 04	digestate from anaerobic treatment of municipal waste
19 06 05	liquor from anaerobic treatment of animal and vegetable waste
19 06 06	digestate from anaerobic treatment of animal and vegetable waste

* Codes referred to in the European Waste Catalogue.

** Wastes containing dangerous substances are not included.

*** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.

(3) The secure storage, at the place where it is to be used, of not more than 1250 tonnes of waste intended to be used in reliance upon the exemption conferred by sub paragraph (1) or (2), provided that—

- (a) the waste is stored at a distance of not less than—
 - (i) 10 metres from any inland or coastal waters;
 - (ii) 50 metres from any well, borehole or similar work sunk into underground strata for the purpose of any water supply other than a domestic water supply; or
 - (iii) 250 metres from any well, borehole or similar work sunk into underground strata for the purpose of a domestic water supply; and

- (b) no waste is stored to the extent that the volume stored exceeds ninety per cent of the available capacity of the container or lagoon where the storage takes place.

(4) Sub-paragraphs (1) and (2) apply only if–

- (a) no more than 250 tonnes or, in the case of dredgings from inland waters, 5,000 tonnes of waste per hectare are used on the land in any period of twelve months;
 - (aa) the land to be treated by the waste does not exceed 50 hectares;
- (b) the waste to be used has not been mixed with any material which does not itself provide benefit to agriculture or ecological improvement; and
- (c) in the case of blood and gut contents (within category 02 02 03 of the European Waste Catalogue, as listed in Part II of Table 2 above), the waste is treated in accordance with the Animal By-Products Order 1999 and Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption.

(5) For the purpose of this paragraph and paragraph 9, benefit to agriculture or ecological improvement shall be construed in accordance with Part 2 of Schedule 3A and any guidance issued under regulation 17(6) of these Regulations.

(6) In this paragraph–

- (a) “coastal water” has the same meaning as in section 30A of the Control of Pollution Act 1974; and
- (b) “domestic water supply” means a supply of water–
 - (i) for such domestic purposes as consist in or include, cooking, drinking, food preparation or washing; or
 - (ii) for any of these domestic purposes to premises in which food is produced

10.—(1) Subject to sub paragraph (3), the storage in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place) of sludge which is intended to be used–

- (a) in accordance with the 1989 Regulations; or
- (b) for land treatment in reliance upon the exemption conferred by sub paragraph (2).

(2) The treatment with sludge of land which is not agricultural land within the meaning of the 1989 Regulations if–

- (a) it results in ecological improvement, or in the case of the treatment of land used for non-food crops not grown in short term rotation with food crops, it enhances the growth of those crops; 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 the corresponding entry in column 2 of the table.

(3) Sub paragraph (1) applies only if the following conditions are satisfied:–

- (a) the sludge is stored at the place where it is to be used;
- (b) the sludge is stored at a distance of not less than–
 - (i) 10 metres from any inland or coastal waters;
 - (ii) 50 metres from any well, borehole or similar work sunk into underground strata for the purpose of any water supply other than a domestic water supply; and
 - (iii) 250 metres from any well, borehole or similar work sunk into underground strata for the purpose of a domestic water supply;
- (c) no sludge is stored to the extent that the volume stored exceeds ninety per cent of the available capacity of the container or lagoon where the storage takes place; and
- (d) no sludge is stored for a period of more than 6 months.

(4) For the purpose of this paragraph, enhancement of crop growth or ecological improvement shall be construed in accordance with Part 2 of Schedule 3A and any guidance issued under regulation 17(7) of these Regulations.

(5) In this paragraph–

- (a) “the 1989 Regulations” means the Sludge (Use in Agriculture) Regulations 1989 and “used”, in relation to sludge, has the meaning given by regulation 2(1) of the 1989 Regulations;
- (b) “sludge” has the meaning given by regulation 2(1) of the 1989 Regulations, and “used”, in relation to sludge, has the meaning given by that regulation; and
- (c) “domestic water supply” means a supply of water–
 - (i) for such domestic purposes as consist in or include, cooking, drinking, food preparation or washing; or
 - (ii) for any of these domestic purposes to premises in which food is produced.

11.—(1) Subject to the following provisions of this paragraph–

- (a) the treatment of land with any of the wastes listed in Part I of Table 2A;
- (b) the treatment of land with any of the wastes listed in Part II of the Table where such treatment results in benefit to agriculture or ecological improvement;
- (c) the secure storage, at the place where it is to be used and for a period not exceeding six months, of waste intended to be used in reliance upon the exemption conferred by sub-paragraph (a) or (b).

TABLE 2A

<i>Codes*</i>	<i>Types of waste</i>
PART I	
<i>wastes from physical and chemical processing of non-metalliferous minerals (01 04)</i>	
01 04 08	waste gravel and crushed rocks**
01 04 09	waste sand and clays
<i>wastes from sugar processing (02 04)</i>	
02 04 01	soil from cleaning and washing beet
<i>wastes from power stations and other combustion plants (except wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use (10 01)</i>	
10 01 01	pulverised fuel ash***
<i>wastes from manufacture of ceramic goods, bricks, tiles and construction products (10 12)</i>	
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)
<i>wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>	
10 13 14	waste concrete and concrete sludge
<i>concrete, bricks, tiles and ceramics (17 01)</i>	
17 01 01	Concrete
17 01 02	Bricks
17 01 03	tiles and ceramics
17 01 07	mixtures of concrete, bricks, tiles and ceramics**
<i>soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	

<i>Codes*</i>	<i>Types of waste</i>
17 05 08	track ballast**
<i>wastes from the mechanical treatment of waste (for example. sorting, crushing, compacting, pelletising) not otherwise specified (19 12)</i>	
19 12 09	minerals (for example sand, stones)
<i>wastes from soil and groundwater remediation (19 13)</i>	
19 13 02	solid waste from soil remediation**
<i>garden and park wastes (including cemetery waste) (20 02)</i>	
20 02 02	soil and stones
PART II	
<i>wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 05	de-inked sludges from paper recycling
03 03 07	de-inked paper pulp from paper recycling***
03 03 09	lime mud waste
<i>soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 04	soil and stones**
17 05 06	dredging spoil**
<i>wastes from aerobic treatment of solid wastes (19 05)</i>	
19 05 03	off-specification compost consisting only of biodegradable waste***
<i>wastes from waste water treatment plants not otherwise specified (19 08)</i>	
19 08 05	sludges from treatment of urban waste water
<i>wastes from soil and groundwater remediation (19 13)</i>	
19 13 04	sludges from soil remediation**

* Codes referred to in the European Waste Catalogue.

** Wastes containing dangerous substances are not included.

*** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.

(2) Paragraph (1) does not apply to the use of waste at a site designed or adapted for the final disposal of waste by landfill at any time when such disposal is the subject of a waste management licence or a permit granted under regulation 7 of the 2000 Regulations.

(3) Paragraph (1) applies only where—

- (a) the waste is used for the purpose of reclamation, restoration or improvement of land which has been subject to industrial or other man made development;
- (b) the waste is suitable for use for the purposes mentioned in sub-paragraph (a);
- (c) the waste is used in accordance with the requisite planning permission (if any);
- (d) the waste is used to a depth not exceeding the lesser of 2 metres or the final cross sections shown on the plan submitted under regulation 18(4C) of these Regulations; and
- (e) the waste used does not exceed 20,000 cubic metres per hectare.

12.—(1) Subject to sub paragraph (4)–

- (a) the treatment within the curtilage of a water treatment works of any of the wastes listed in Table 3 arising from those works if the total quantity of waste which is treated in any period of twelve months does not exceed 10,000 cubic metres; and

- (b) the secure storage within the curtilage of a water treatment works of waste intended to be treated in reliance on the exemption conferred by paragraph (a).
- (2) Subject to the following provisions of this paragraph–
- (a) any recovery operation carried on within the curtilage of a sewage treatment works of any of the wastes listed in Table 3;
- (b) the secure storage within the curtilage of a sewage treatment works of waste intended to be submitted to the activity mentioned in sub paragraph (a).

TABLE 3

<i>Codes*</i>	<i>Types of waste</i>
<i>Waste from waste water treatment plants not otherwise specified (19 08)</i>	
19 08 01	Screenings
19 08 05	Sludges from treatment of urban waste water
<i>Wastes from the preparation of water intended for human consumption or water for industrial use (19 09)</i>	
19 09 02	Sludges from water clarification
19 09 03	Sludges from decarbonation
19 09 06	Solutions and sludges from regeneration of ion exchangers
<i>Other municipal wastes (20 03)</i>	
20 03 04	Septic tank sludge
20 03 99	Municipal waste not otherwise specified

* Codes referred to in the European Waste Catalogue.

(3) The total quantity of waste brought to a sewage treatment works for the purposes of a recovery operation in reliance upon the exemption covered by sub paragraph (2) in any period of 12 months shall not exceed 100,000 cubic metres.

(4) The area where a treatment or recovery operation takes place shall have an impermeable pavement capable of containing any spillage of waste received and connected to a drainage system with impermeable components which does not leak and which will ensure that–

- (a) no liquid will run off the pavement otherwise than via that system; and
- (b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.

13. Carrying on at any place, in respect of a kind of waste listed in Table 3A, 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
- (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 3A

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

14.—(1) Subject to the following provisions of this paragraph—

- (a) composting biodegradable waste of a type listed in Table 3B below, not being composting for the purpose of cultivating mushrooms;
- (b) chipping, shredding, cutting, pulverising, screening or storing such waste for the purpose of composting at the place where the composting activity is, or is to be, carried out; and
- (c) screening any such waste which has been composted.

TABLE 3B

<i>Codes*</i>	<i>Types of waste</i>
<i>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing (02 01)</i>	
02 01 03	Plant-tissue waste
02 01 06	Animal faeces, urine and manure (including spoiled straw)***
02 01 07	Wastes from forestry
02 01 99	Straw, wood or paper - based bedding waste, slurry or dirty waste from stables, zoos, animal parks or livestock markets***
<i>Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation (02 03)</i>	
02 03 01	Sludges from washing, cleaning, peeling, centrifuging and separation
<i>Wastes from wood processing and the production of panels and furniture (03 01)</i>	
03 01 01	Waste bark and cork
03 01 05	Sawdust, shaving, cuttings, wood**
<i>Wastes from pulp, paper and cardboard production and processing (03 03)</i>	
03 03 01	Waste bark and wood
<i>Wastes from the textile industry (04 02)</i>	
04 02 10	Organic matter from natural products (e.g. grease, wax)
<i>Packaging (including separately collected municipal packaging waste) (15 01)</i>	
15 01 01	Paper and cardboard packaging
15 01 03	Wooden packaging
15 01 09	Textile packaging

<i>Codes*</i>	<i>Types of waste</i>
<i>Wastes from aerobic treatment of solid wastes (19 05)</i>	
19 05 03	Off-specification compost consisting only of biodegradable waste***
<i>Separately collected fractions of municipal wastes (household waste and similar commercial, industrial and institutional wastes) (20 01)</i>	
20 01 01	Paper and cardboard
20 01 08	Meat excluded biodegradable kitchen and canteen waste***
20 01 10	Clothes
20 01 11	Textiles
<i>Garden and park waste (including cemetery waste) (20 02)</i>	
20 02 01	Biodegradable waste
<i>Other municipal wastes (20 03)</i>	
20 03 02	Botanical waste from markets***

* Codes referred to in the European Waste Catalogue.

** Wastes containing dangerous substances are not included.

*** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.

(2) The total quantity of waste treated and stored under paragraph (1) at any time shall not exceed, in relation to the composting activities referred to in the first column of Table 3C, the quantity shown in the third column of that Table.

TABLE 3C

<i>Code and type of waste (as referred to in Table 3B)*</i>	<i>Composting activity</i>	<i>Maximum total quantity (including storage and treatment)</i>
<i>Plant-tissue waste 02 01 03 Wastes from forestry 02 01 07 Waste bark and cork 03 01 01 Biodegradable waste from gardens and park wastes (including cemetery waste 20 02 01)</i>	Open air windrow composting without containment** and without any impermeable pavement or sealed drainage	400 Tonnes
<i>All above wastes namely 02 01 03, 02 01 07, 03 01 01, 20 02 01 plus 15 01 01, 02 01 06, 15 01 09, 20 01 10 and 20 01 11</i>	Open air windrow composting without containment** on an impermeable pavement with sealed drainage	400 Tonnes
<i>Any type of waste referred to in Table 3B</i>	Composting with containment** of waste	400 Tonnes

* Codes referred to in the European Waste Catalogue.

** Contaminant in this context means composting in a vessel, in a sealed building or by some other process equally effective to produce a wholly contained and controlled environment.

(3) The secure storage of biodegradable waste which is to be composted in reliance upon the exemption conferred by sub paragraph (1) at a place other than the place where such composting is or is to be carried on where—

- (a) the waste is stored for a period not exceeding 48 hours and is to be taken directly from the storage site to that place;
- (b) such storage is part of a scheme for the collection of waste from groups of premises; and
- (c) the total quantity of waste so stored does not exceed 10 tonnes.

(4) For the purposes of this paragraph and paragraph 12A—

- (a) “composting” means the autothermic and thermophilic biological decomposition and stabilisation of biodegradable waste under controlled aerobic conditions that result in a stable sanitised material that can be applied to land for the benefit of agriculture, horticulture or ecological improvement; and
- (b) the reference to “treated” waste includes waste which is undergoing maturation.

15 Composting any of the wastes listed in Table 3B for the purpose of cultivating mushrooms 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, where the quantity of waste being composted at any one time does not exceed 2500 tonnes.

16.—(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 9 or 11, if—

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

17.—(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.

18.—(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 subparagraph (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 9, 10, 11, 21 or 27, 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.

19.—(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 13; 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
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) 14 06 01 * (HCFC and HFC)	18 tonnes
Tyres	1,000 tyres
waste mammalian protein	60,000 tonnes
waste mammalian tallow	45,000 tonnes

(2) In this paragraph—

“mammalian protein” means proteinaceous material and “mammalian tallow” means fat, which in each case is derived from the whole or part of any dead mammal be a process of crushing, cooking or grinding.

20.—(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 13 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 19 other than waste solvents, refrigerants or halons;
 - (b) waste oil (including waste oil which is special waste).

21.—(1) Subject to the following provisions of this paragraph, the storage on a site of any of the wastes listed in Table 4AA, if—

- (a) the waste in question is suitable for use for the purposes of relevant work which will be carried on at the site;
- (b) in the case of waste which is not produced on the site, it is not stored there for longer than 6 months; and
- (c) no more than 50,000 tonnes of the waste is stored on site.

TABLE 4AA

<i>Codes*</i>	<i>Types of waste</i>
<i>wastes from physical and chemical processing of non-metalliferous minerals (01 04)</i>	
01 04 08	waste gravel and crushed rocks**
01 04 09	waste sand and clays
<i>wastes from sugar processing (02 04)</i>	
02 04 01	soil from cleaning and washing beet
<i>wastes from power stations and other combustion plants (except wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use) (10 01)</i>	
10 01 01	pulverised fuel ash***
10 01 99	gypsum***
<i>wastes from the iron and steel industry (10 02)</i>	
10 02 02	unprocessed slag
<i>wastes from casting of ferrous pieces (10 09)</i>	
10 09 03	furnace slag
<i>waste from casting of non ferrous pieces (10 10)</i>	
10 10 03	furnace slag
<i>wastes from manufacture of ceramic goods, bricks, tiles and construction products (10 12)</i>	
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal

<i>Codes*</i>	<i>Types of waste</i>
	processing)
<i>wastes from manufacture of cement, lime and plaster and articles and products made from them (10 13)</i>	
10 13 14	waste concrete and concrete sludge
<i>Concrete, bricks, tiles and ceramics (17 01)</i>	
17 01 01	Concrete
17 01 02	Bricks
17 01 03	tiles and ceramics
17 01 07	mixtures of concrete, bricks, tiles and ceramics**
<i>bituminous mixtures, coal tar and tarred products (17 03)</i>	
17 03 02	road base and road planings** ***
<i>soil (including excavated soil from contaminated sites), stones and dredging spoil (17 05)</i>	
17 05 04	soil and stones **
17 05 08	track ballast**
<i>wastes from incineration or pyrolysis of waste (19 01)</i>	
19 01 12	bottom ash and slag**
<i>wastes from the mechanical treatment of waste (for example sorting, crushing, compacting pelletising not otherwise specified (19 12)</i>	
19 12 09	minerals (for example sand, stones)
<i>wastes from soil and groundwater remediation (19 13)</i>	
19 13 02	solid waste from soil remediation**
<i>garden and park wastes (including cemetery waste) (20 02)</i>	
20 02 02	soil and stones

* Codes referred to in the European Waste Catalogue.

** Wastes containing dangerous substances are not included.

*** The wastes listed do not include all of the wastes specified in the European Waste Catalogue under the code referred to.

(2) The use of waste of a kind mentioned in paragraph (1) above for the purposes of relevant work if–

- (a) the waste is suitable for use for those purposes;
- (b) the waste is so used in accordance with the requisite planning permission (if any); and
- (c) the waste is used to a depth not exceeding the dimensions of the final cross sections shown on the plan submitted under regulation 18(4C) of these Regulations.

(3) The storage on a site of waste consisting of road planings and roadbase (within category 17 03 02 of the European Waste Catalogue, as listed in Table 4AA above), 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 6 months.

(4) In this paragraph, “relevant work” means the use of waste–

- (a) for the construction, maintenance or improvement of–
 - (i) a building, road, railway, airport, dock or other transport facility;
 - (ii) recreational facilities; or
 - (iii) drainage; or

- (b) for engineering works relating to or adjacent to controlled waters within the meaning of the Control of Pollution Act 1974,

but does not include work involving land reclamation.

(5) In paragraph 4(a) above, the reference to “drainage” is a reference to drainage works within the meaning of the Land Drainage (Scotland) Act 1958.

22.—(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.

23.—(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.

24.—(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.

25.—(1) The recovery of waste consisting of animal by-products at a collection centre in accordance with an authorisation under regulation 27 of the Animal By-Products (Scotland) Regulations 2003 if the total quantity of waste being recovered at that collection centre at any time does not exceed 10 tonnes.

(2) The storage of the waste intended to be submitted to such treatment if—

(a) storage takes place in a secure place; and

(b) no waste is stored for more than twelve months.

(3) In this paragraph, “animal by-products” and “collection centre” have the same meaning as in the Community Regulation as defined in regulation 2(1) of the Animal By-Products (Scotland) Regulations 2003⁽¹²⁾.

26.—(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 or] under a permit under the 2000 Regulations, to the extent that it is or forms part of an activity within paragraph (a) of Part B of Section 3.5 (other mineral activities) of Part 1 of Schedule 1 to the 2000 Regulations.

(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.

27.—(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

⁽¹²⁾ S.S.I. 2003/411.

(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 9(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 11(1).

28.—(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.

29.—(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.

30. The storage of returned goods that are waste, and the secure storage of returned goods that are special waste, pending recovery or disposal by their manufacturer, distributor or retailer if the total quantity of waste so stored in any period of one month does not exceed 1000 tonnes.

31.—(1) The disposal of waste at the place where it is produced, by the person producing it, by burning it in an incinerator—

(a) which is an exempt incinerator for the purposes of Section 5.1 (incineration) of Schedule 1 to the 1991 Regulations or an incineration plant or a co-incineration plant with a capacity of less than 50kg per hour which is an excluded plant for the purposes of Section 5.1 of Part 1 of Schedule 1 to the 2000 Regulations; or

(b) which is not an incineration plant or a co-incineration plant.

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

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

(a) the waste consists of plant tissue;

(b) it is agricultural waste or it is produced on land which is operational land of a railway, light railway, tramway, internal drainage board the British Waterways Board or the National Rivers Authority, or which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, bank of an inland waterway, 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.

(4) The treatment of land for the benefit of agriculture or ecological improvement by incorporation into soil of ash from waste which is burned on that land in reliance on the exemption conferred by sub-paragraph (1) above.

33. 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.

34. 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.

35.—(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.

36.—(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.

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

38.—(1) The temporary storage of waste including any such waste which is special waste, at waste reception facilities provided within a harbour area in accordance with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 ("the 2003 Regulations")⁽¹³⁾, where such storage is incidental to the collection or transport of the waste and so long as—

- (a) the amount of waste so stored within a harbour area at any time does not exceed 20 cubic metres for each ship from which waste has been landed; and
- (b) no waste is so stored for more than seven days.

⁽¹³⁾ S.I. 2003/1809.

(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 2003 Regulations, 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⁽¹⁴⁾;

“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.

39.—(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.

40. The deposit or storage of samples of waste, including samples of waste which are special waste (including the temporary storage of WEEE pending its recovery), 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 do not exceed 10 tonnes and are taken—

- (a) in the exercise of any power under the Radioactive Substances Act 1993, the Sewerage (Scotland) Act 1968, the Control of Pollution Act 1974, the 1990 Act, the Water Industry Act 1991 or the Water Resources Act 1991;
- (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.

41.—(1) The secure storage at a pharmacy of waste medicines (including those which are special waste) which have been returned to the pharmacy from households or by individuals; and WEEE 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.

⁽¹⁴⁾ 1987/37.

(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.

42.—(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) Sub-paragraph (1) above does not apply to the storage of waste at a place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles.

(3) 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.

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

(2) Sub-paragraph (1) above does not apply to the storage of waste at a place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles.

(3) Subject to sub-paragraph (2), sub-paragraph (1) shall only apply to waste motor vehicles where such temporary storage conforms with the obligations and the minimum technical requirements described, respectively, in paragraph 1 to each of Parts 1 and 2 of the Schedule to the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003⁽¹⁵⁾.

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

- (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.

44.—(1) The treatment or keeping 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 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—

- (a) after 30th September 1996, in the case of an activity falling within paragraph 8 or 9 of Part III of Schedule 4;
- (b) after 31st July 1995, in any other case,

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.

⁽¹⁵⁾ S.S.I. 2003/593.

(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.

45.—(1) Heating iron, steel or any ferrous-alloy, non-ferrous metal or non-ferrous metal alloy, in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts, for the purpose of removing grease, oil or any other non-metallic contaminant.

(2) Sub-paragraph (1) does not apply to the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant.

(3) In the case of a process involving the heating of iron, steel or any ferrous-alloy, sub-paragraph (1) does not apply if that process is related to a process described in any of paragraphs (a) to (h), or (j) to (m), of Part A or paragraphs (a) to (c), or (e) or (f), of Part B of Section 2.1 of Schedule 1 to the 1991 Regulations an activity described in Section 2.1 (other than in paragraph (d) of Part B) of Part 1 of Schedule 1 to the 2000 Regulations.

(4) In the case of a process involving the heating of any non-ferrous metal or non-ferrous metal alloy, sub-paragraph (1) does not apply if that process is related to a process described in any of paragraphs (a) to (g), or (i) to (k), of Part A of Section 2.2 of Schedule 1 to the 1991 Regulations or an activity described in Part A of Section 2.2 of Part 1 of Schedule 1 to the 2000 Regulations.

(5) The secure storage of waste intended to be submitted to heating to which sub-paragraph (1) applies if the waste or, as the case may be, any container in which the waste is stored, is stored on an impermeable pavement which is provided with a sealed drainage system.

(6) 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.

(7) In this paragraph, “ferrous alloy” means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a non-ferrous metal content greater than any percentage specified in Section 2.2 of Schedule 1 to the 1991 Regulations, and “non-ferrous metal alloy” shall be construed accordingly.

46.—(1) Subject to sub-paragraph (3) below, the carrying on, at any secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, in respect of a kind of waste described in Table 4A, of any of the activities specified in that Table in relation to that kind of waste if—

- (a) the total quantity of any particular kind of waste so 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;
- (b) the activity is carried on with a view to the recovery of the waste (whether or not by the person carrying on the activity listed in that Table);
- (c) every part of that place upon which the activity is carried out is surfaced with an impermeable pavement provided with a sealed drainage system; and
- (d) the plant or equipment used in carrying on the activity is maintained in reasonable working order.

Table 4A

<i>Kind of Waste</i>	<i>Activities</i>	<i>Seven day limit</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	8,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	400 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	300 tonnes
Depolluted motor vehicles	Dismantling, rebuilding, restoring or reconditioning	40 vehicles
Lead acid motor vehicles batteries (including those whose contents are special waste) not forming part of, nor contained in, a motor vehicle	Sorting	20 tonnes

(2) Subject to sub-paragraph (3) below, the storage, at any secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, of waste of a kind listed in Table 4B if—

- (a) the waste is to be submitted to any of the activities specified in Table 4A in relation to that kind of waste, or to a recycling or reclamation operation authorised by a waste management licence or an authorisation under Part I of the 1990 Act or a permit under the 2000 Regulations;
- (b) the total quantity of waste of that kind stored at that place does not exceed the maximum total quantity specified in Table 4B in relation to that kind of waste;
- (c) no waste is stored at that place for a period exceeding 12 months;
- (d) each kind of waste is either stored separately or is kept in separate containers, but in a case where a consignment consisting of more than one kind of waste is delivered to that place it may be stored unseparated at that place pending sorting for a period not exceeding 2 months;
- (e) in the case of waste which is liquid or consists of motor vehicle batteries, it is stored in a secure container;
- (f) in the case of waste motor vehicles, they are, where appropriate, stored on an impermeable pavement;
- (g) subject to paragraph (f) above, the waste or, as the case may be, any container in which it is stored, is stored on an impermeable pavement which is provided with a sealed drainage system; and
- (h) the height of any pile or stack of waste does not exceed 5 metres.

Table 4B

<i>Kind of waste</i>	<i>Maximum total quantity</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	50,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	1,500 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	1,000 tonnes
Motor vehicles, stored where appropriate on an impermeable pavement	1000 vehicles
Lead acid motor vehicle batteries (including those whose contents are special waste) not forming part of, nor contained in, a motor vehicle	40 tonnes

(3) Sub-paragraph (1) or (2) above only applies to the carrying on of an activity at a place if–

(a) the person responsible for the management of that place–

(i) has established administrative arrangements to ensure that–

(aa) waste accepted at that place is of a kind listed in Table 4A or, as the case may be, Table 4B; and

(bb) no waste is accepted at that place in such a quantity as would cause there to be a breach of any of the terms and conditions of the exemption;

and

(ii) carries out a monthly audit to confirm compliance with the terms and conditions of the exemption;

(b) the records required by paragraph 14 of Part I of Schedule 4 are kept in such a form as to show, for each month, the total quantity of each kind of waste recovered during that month at that place, and details of the total quantity of each kind of waste recovered at that place during the preceding 12 months are sent annually to the appropriate registration authority with the charge referred to in paragraph (d) below;

(c) an up to date plan of that place containing the details referred to in regulation 18(4A)(c)(i) to (iv) is sent annually to the appropriate registration authority with the annual fee referred to in paragraph (d) below; and

(d) the charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995 is paid in respect of that place to the appropriate registration authority by the due date which shall be ascertained in accordance with sub-paragraph (4) below.

(4) For the purposes of ascertaining the due date in any year for payment of the fee referred in sub-paragraph (3)(d) above in respect of any place–

(a) the appropriate registration authority shall serve notice in accordance with the following provisions of this sub-paragraph on the establishment or undertaking from which notice has been received by the authority under regulation 18(4A) in respect of that place;

- (b) a notice required by paragraph (a) above shall be served not later than one month before the anniversary of the date when the notice, plan and fee referred to in regulation 18(4A) were received by the authority in respect of that place and shall specify—
 - (i) the amount of the payment due,
 - (ii) the method of payment,
 - (iii) the date of such anniversary,
 - (iv) that payment is due on that date or, if later, upon the day falling one month after the date of the notice, and
 - (v) the effect of payment not being made by the date on which it is due,
 and the due date for payment of the annual fee for that year by that establishment or undertaking in respect of that place shall be the date specified for payment in the notice.

(5) The temporary storage of waste (in this sub-paragraph referred to as “the non-scrap waste”), pending its collection, at a secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles if—

- (a) the non-scrap waste is not of a kind described in Table 4B;
- (b) the non-scrap waste was delivered to that place as part of a consignment of waste of which—
 - (i) at least 70 per cent by weight was waste consisting of waste motor vehicles; or
 - (ii) at least 95 per cent by weight was waste of any kind described in Table 4B other than waste motor vehicles, and is capable of being separated from that waste by sorting or hand dismantling;
- (c) the non-scrap waste is stored at that place for no more than 3 months;
- (d) in a case where the non-scrap waste is liquid, it is stored in a secure container; and
- (e) the non-scrap waste or, as the case may be, the container in which the non-scrap waste is stored, is stored on an impermeable pavement which is provided with a sealed drainage system.

(6) In Table 4A, “shearing” means the cold cutting of metal by purpose-made shears, and “depolluted” in relation to waste motor vehicles has the meaning given in regulation 2 of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003.

(7) For the purposes of this paragraph and paragraph 45 above, “sealed drainage system”, in relation to an impermeable pavement, means a drainage system with impermeable components which does not leak and which will ensure that—

- (a) no liquid will run off the pavement 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.

47.—(1) Subject to sub paragraphs (3) and (4), the burning at a dock of waste consisting of—

- (a) plant tissue waste, in pursuance of a notice given under regulation 22 of the Plant Health (Great Britain) Order 1993; or
- (b) wood of any kind used to wedge or support parts of cargo, including packing material, spacers and pallets, in pursuance of a notice given under regulation 21 of the Plant Health (Forestry) (Great Britain) Order 1993.

(2) Subject to sub paragraph (3), the storage at the dock where it was unloaded of waste intended to be burned under paragraph (1).

(3) The total quantity of waste stored or burned, in any period of 24 hours, shall not exceed 15 tonnes.

(4) The waste shall be burnt on a hard-standing, within a secure location at the dock where it was unloaded.”.

48.—(1) Subject to paragraph (3) below, the repair or refurbishment or both at a secure place of WEEE as described in Table 5A, together with any incidental storage and other incidental activities in relation to that type of WEEE if—

- (a) the activity is carried on with a view to the reuse of the WEEE for its original purpose;
- (b) best available treatment, recovery and recycling techniques are used when carrying out the activity;
- (c) in respect of a description of waste contained in a particular row to Table 5A, the total quantity of WEEE so dealt with at that place does not exceed either the storage limit specified in column 2 of the Table or the treatment limit specified in column 3;
- (d) the technical requirements specified in Annex III of the WEEE Directive are met;
- (e) prior to the treatment of WEEE and in relation to any waste components from WEEE, such WEEE or components are stored in such a manner that their environmentally sound reuse or recycling is not hindered;
- (f) no WEEE is stored at that place for more than 12 months.

Table 5A		
<i>Type of Waste</i>	<i>Storage Limits*</i>	<i>Treatment Limits</i>
16 02 14 ⁽¹⁶⁾ (WEEE other than those mentioned in 16 02 09 to 16 02 13)	50 cubic metres	2 tonnes/day
20 01 36 (WEEE other than those mentioned in 20 01 21 and 20 01 23 and 20 01 35)	50 cubic metres	2 tonnes/day

* In total either awaiting repair or refurbishment or stored following such treatment.

(2) Subject to paragraph (3) below, the carrying on, at any secure place in respect of WEEE that is hazardous waste as described in Table 5B, the treatment activities of repair or refurbishment or both together with any incidental storage and other incidental activities, but not including the degassing and capture of ozone depleting substances in relation to that type of WEEE if—

- (a) the activity is carried on primarily with a view to the reuse of the WEEE for its original purpose;
- (b) best available treatment, recovery and recycling techniques are used when carrying out the activity;
- (c) in respect of a description of waste contained in a particular row to Table 5B the total quantity of WEEE so dealt with at that place does not exceed either the storage limit specified in column 2, or the treatment limit specified in column 3 of the Table for the types of WEEE in that row;
- (d) the technical requirements specified in Annex III of the WEEE Directive are met;
- (e) the other requirements specified in column 4 of the Table for that type of WEEE are met;
- (f) prior to the treatment of WEEE and in relation to any waste components from WEEE, such WEEE or components are stored in such a manner that their environmentally sound reuse or recycling is not hindered; and
- (g) no WEEE is stored at that place for more than 12 months.

⁽¹⁶⁾ The 6 digit codes are contained in commission decision 2000/532/EC of 3rd May 2000 (as amended, although none are relevant) 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. The exemption covers any WEEE falling within the relevant 6 digit code unless the entry indicates otherwise.

Table 5B			
<i>Type of Waste</i>	<i>Storage Limits*</i>	<i>Treatment Limits</i>	<i>Other Requirements</i>
16 02 11* (WEEE containing chlorofluorocarbons, HCFC or HFC) and 20 01 23* (WEEE containing chlorofluorocarbons)	50 cubic metres	2 tonnes/day	stored in a manner that will prevent the release of the CFCs, HCFCs or HFCs;
Televisions and computer monitors containing cathode ray tubes falling within 16 02 13* (WEEE containing hazardous components other than those mentioned in 16 02 09 to 16 02 12) and 20 01 35* (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components)	50 cubic metres	2 tonnes/day	

* In total either awaiting repair or refurbishment or stored following such treatment.

- (3) Paragraphs (1) or (2) above only apply to the carrying out of an activity at a place if—
- (a) the person responsible for the management of that place has established administrative arrangements to ensure that—
 - (i) WEEE accepted at that place is of a type set out in column 1 of Table 5A or 5B, as the case may be; and
 - (ii) no waste is accepted at that place in such a quantity as would cause there to be a breach of any of the terms and conditions of the exemption;
 - (b) an up to date plan of that place containing the details referred to in regulation 18(4C) is sent annually to SEPA; and
 - (c) the applicable charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995⁽¹⁷⁾, or where there is no applicable scheme, the sum of £265, is paid in respect of that place to SEPA by the due date which shall be ascertained in accordance with the provisions of paragraph 45(4) above. In ascertaining such date, the reference to regulation 18(4A) in paragraph 45(4)(a) and (b) shall be construed as a reference to regulation 18(4C).

(4) For the purposes of this paragraph, the storage and treatment limits set out in columns 2 and 3 of Tables 5A and 5B are overall limits that apply to all waste falling within the 6 digit code or codes specified in column 1 of that particular row.

- 49.—**(1) The storage at any secure place of WEEE of a type listed in column 1 of Table 6A if—
- (a) if the WEEE is stored for the purpose of its recovery elsewhere;
 - (b) the total quantity of any particular type of WEEE stored at the site at any time does not exceed the storage limit specified in column 2 of the Table;
 - (c) the total duration that any particular type of WEEE is stored for does not exceed the duration limits specified in column 3 of the Table;
 - (d) the other storage requirements specified in column 4 of the Table are met; and

⁽¹⁷⁾ 1995 c.25.

- (e) the WEEE is stored in such a manner that its environmentally sound reuse or recycling is not hindered.

Table 6A			
<i>Type of Waste</i>	<i>Maximum quantity</i>	<i>Maximum duration</i>	<i>Type of containment</i>
16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 12) and 20 01 36 (WEEE other than those mentioned in 20 01 21, 20 01 23 and 20 01 35)	50 cubic metres	3 months	impermeable surface within a secure store; weatherproof covering of stored WEEE
16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 12) and 20	50 cubic metres	3 months	appropriate leak proof containers providing an impermeable surface 8

- (2) The storage at any secure place of WEEE of a type listed in column 1 of Table 6B if–
- if the WEEE is stored for the purpose of its recovery elsewhere;
 - the total quantity of any particular type of WEEE stored at the site at any time does not exceed the storage limit specified in column 2 of the Table (c);
 - the total duration that any particular type of WEEE is stored for does not exceed the duration limits specified in column 3 of the Table;
 - the type of containment and other requirements specified in columns 4 and 5 of the Table are met;
 - the WEEE is stored in such a manner that its environmentally sound reuse or recycling is not hindered.

Table 6B				
<i>Type of Waste</i>	<i>Maximum quantity</i>	<i>Maximum duration</i>	<i>Type of containment</i>	<i>Other Requirements</i>
16 02 11* (WEEE containing chlorofluorocarbons, HCFC or HFC) and 20 01 23* (WEEE containing chlorofluorocarbons)	50 cubic metres	3 months	impermeable surface within a secure store; weatherproof covering of stored WEEE	stored in a manner that will prevent the release of the CFC, HCFC and HFC; overall height of any stack shall not exceed 2 units or 3.5m, whichever is the lower
16 02 13* WEEE containing hazardous components other than those mentioned in 16 02 09 to 16 2 12) and 20 01 35* (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components)	50 cubic metres	3 months	impermeable surface within a secure store; weatherproof covering of stored WEEE	

Table 6B				
<i>Type of Waste</i>	<i>Maximum quantity</i>	<i>Maximum duration</i>	<i>Type of containment</i>	<i>Other Requirements</i>
20 01 21* (fluorescent tubes and other mercury-containing waste)	5 cubic metres	1 month	appropriate leak proof containers; weatherproof covering	stored in such a way that the glass is not broken

(3) For the purposes of subparagraphs (1) and (2), the activity of storage shall be taken to include the incidental sorting of waste of that type.

(4) For the purposes of this paragraph, the storage and treatment limits set out in columns 2 and 3 of Tables 6A and 6B are overall limits that apply to all waste falling within the 6 digit code or codes specified in column 1 of that particular row.”.

DRAFT REGULATORY IMPACT ASSESSMENT

Waste Management Licensing Exemptions: a Codification

Introduction

The Scottish Executive is taking the opportunity of the proposed codification of Schedule 3 to **review a small number of exemptions** from the waste management licensing system. This follows on from work to align the regime controlling special wastes in Scotland with the Hazardous Waste Directive. The Special Waste Amendment (Scotland) Regulations 2004, which achieve this in most respects, came into full force on 1 July 2004. The outstanding issue is to ensure that exemptions for special waste operations meet the requirements of Article 3 of the Directive.

This document provides a draft Regulatory Impact Assessment (RIA) for the exemptions under review. It discusses policy options, and aims to outline the risks, costs and benefits for the proposals. In some cases, quantification of the costs and benefits has not been possible owing to their intangible nature.

This RIA addresses only the exemptions which are being amended. The codification itself does not result in a regulatory impact except for the cases in which changes are made – except for the positive impact that the codification will make the law more easily accessible to all parties.

Purpose and intended effect of the measures

(i) Objective

Not all current exemptions listed in Schedule 3 to the Waste Management Licensing Regulations 1994 (as amended) (WMLR) appear to comply with the requirements of the Hazardous Waste Directive for the establishment of limit values. The objective, therefore is that all exemptions relating to special waste should meet the requirements of this Directive. This objective is to be attained as soon as possible. It is anticipated that, after a twelve-week consultation, the Executive will move swiftly to codify all exemptions and place those dealing with special waste on a revised footing. The amendments will be covered by a statutory instrument entitled the Waste Management Licensing Amendment (Scotland) Regulations 2006.

(ii) Background

Scottish legislation on waste stems from the Waste Framework Directive (WFD), which has been transposed into UK law mainly through the Environmental Protection Act 1990, and through its subsequent amendments and related subordinate legislation, especially the WMLR. Articles 9 and 10 of the WFD state that any establishment or undertaking that carries out waste disposal or recovery operations must obtain a permit from the competent authority (in Scotland, the Scottish Environment Protection Agency). Article 11 of the WFD states that, under certain conditions, establishments or undertakings carrying out waste recovery, or disposal of their own waste at the place of production, may be exempted from the permit

requirements imposed by Articles 9 and 10. They may not, however, be exempted from requirements that the necessary measures shall be taken to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment.

In respect of hazardous, or special waste, the rules for these exemptions have been tightened by Article 3 of the Hazardous Waste Directive, which forbids the disposal of hazardous waste by establishments or undertakings at the place of production under exemption, and requires the adoption of general rules containing limit values. This recognises that an additional level of protection is appropriate in the case of hazardous wastes. Proposed exemptions for hazardous waste must be notified to the European Commission.

Regulation 17 of the WMLR permits the activities listed in Schedule 3 to be exempted from the requirements of full waste management licences. It also establishes that exemptions shall not be available for the disposal of special (that is, hazardous) waste by establishments or undertakings at their place of production.

(iii) Rationale for Government Intervention

The Executive's review is being conducted to ensure that the remaining requirements of Article 3 of the Hazardous Waste Directive are met in respect of exemptions available in Scotland. **In these circumstances there is little point in changing one, or some, of the relevant exemptions, while leaving others to which the Hazardous Waste Directive applies untouched.** The Executive has notified its proposed exemptions to the European Commission.

The full protection intended by the Hazardous Waste Directive may not be available in the case of exemptions to which full limit values have not been applied. An example is that the exemption in paragraph 3(c) of Schedule 3, for the storage of waste oil prior to burning as a fuel has no upper limit on the amount of waste oil which could be stored without applying for a full waste management licence, with the protection and monitoring that would imply. It is intuitively obvious that the storage of 5 million litres would pose more risks than the storage of 5,000 litres would, although the exact risk is difficult to quantify. Similar risks are involved in the other proposed changes.

The risk of infraction proceedings, however, should we fail to bring our exemption regime for special waste, is more easily quantified. Judgment has already been given by the European Court of Justice against the UK in this respect. The next stage of the proceedings, which has already been instituted, could lead to the imposition of daily fines. The matter of fines is considered in more detail under **Options**. Government intervention is required as, to alter the legal framework, an amendment to the WMLR is required. This is properly a matter for the Scottish Executive.

Consultation

Within the Scottish Executive we have consulted colleagues in Enterprise, Transport and Lifelong Learning Department, and Solicitors. We have carried out initial consultations with the Scottish Environment Protection Agency.

These proposals will now form the subject of a twelve-week consultation with interested parties. Those listed in the Annex are being specifically invited to comment on the proposed codification, revised special waste exemptions and this RIA. They are also being invited to give their views in more general discussions on the future of waste regulation.

Options

(i) *Identify options*

- Option 1: **Do nothing.**
This represents the base case of business as usual against which other options are compared. The requirements of the Hazardous Waste Directive are not fulfilled.
- Option 2: **Consolidate the exemptions in the WMLR but make few or no changes to exemptions for special waste.**
To the extent that no changes are made to the exemptions, but they are merely consolidated, effectively the regulatory position does not alter – it is merely clarified. The requirements of the Hazardous Waste Directive are not fulfilled.
- Option 3: **Consolidate the exemptions in the WMLR and make changes to those dealing with special waste to implement Community law.**
The regulatory position is clarified and the requirements of the Hazardous Waste Directive are fulfilled.

These options will impact mainly on administrative costs, which would be borne chiefly by the Scottish Executive and SEPA, though there are potentially very rare cases in which they could impact on the costs of carrying out waste management activities for which the rules governing exemptions are changed. Administrative costs are as follows:-

Option 1 implies no change for any party, so there would be no costs attributable to any regulatory change. However, this option also implies continued non-compliance with the Directive. This could lead to fines being levied, as a result of legal proceedings which are already in train. The Commission has published guidance on how it calculates the fines it thinks appropriate in the circumstances. These are set out in OJ No D242, 1996 and OJ No C63, 1997. The Commission's proposed fine is advisory. The actual fine imposed is that decided on by the Court, but the Court has stated that it has found the Commission's proposal helpful. The Commission's proposed fine is based on a uniform flat rate multiplied by 2 coefficients relating to the offence itself, and then by a deterrent effect factor that takes account of the Member States' ability to pay and the weighting of votes in Council. The maximum advised fine that could be imposed on the UK for the most serious of breaches and the maximum duration is €534,000 (c £365,000) per day (over £133 million per year). Fines are levied against the Member State, but since other parts of the UK have indicated their intention to comply with the Directive, any non-compliance would be the fault of Scotland alone, and the Scottish Administration would therefore have to pay the fines, and indeed the costs of any legal action.

Option 2 will involve the Scottish Executive (and, to a lesser extent, SEPA) in the costs involved in making, printing and publishing the codified legislation. These are difficult to

quantify but would occur in the ordinary course of the business of these organisations. In view of the lack of difference made by the proposed changes to the practical situation, no expense with regard to guidance will be required. However, the failure to implement the Directive would still entail the danger of incurring the fines and costs described above.

Option 3 will entail the costs of making, printing and publishing the codified legislation. It would also involve minor administrative costs in advising any parties affected by changes to the exemptions of these changes, and action they should take as a result. These latter costs would fall mainly on SEPA. Their magnitude would depend on the number of operators affected by changes to the exemptions. This is estimated to be very small: consequently the costs in this respect are likely to be negligible. This option, however, would obviate the dangers of costs arising from fines.

(ii) Issues of equity or fairness

Any increase in regulatory costs or the costs of waste management arising from the proposed changes are likely to be absorbed by the operator (which, in the case of exemptions, is also the waste producer) or passed on to those who use the services provided by the operator. They will thus be borne to those who contribute to, or occasion, the production of the waste. This is in keeping with the “polluter pays” principle, and provides an incentive to minimise waste production.

Costs and benefits

(i) Sectors and groups affected

The Scottish Executive believes that the proposed changes would have a direct effect only on operators affected by the change to paragraphs 3(c), 6(2), 28 and 38. These are operators who:-

- store waste oil prior to its use for fuel, in quantities in excess of 23,000 litres (and who do not have, in any case, either a waste management licence or a PPC permit covering the whole of their operation);
- store returned goods which are waste, to an amount in excess of 1,000 tonnes, again without a waste management licence or a PPC permit; and
- store more than 10 tonnes of samples without a waste management licence or PPC permit.

The number of such operators is likely to be very small; we are not aware of any. As discussed, the Scottish Executive does not believe the proposed changes to paragraphs 42 and 43 will affect any existing operators.

The intention of the proposed change to paragraph 29 is to ensure that existing operators who are excluded from the effect of the Pollution Prevention and Control Regulations 2000 continue to be so excluded. It does not, therefore, change their regulatory position. Similarly, the proposed change to paragraph 17 is for simplicity and legal certainty.

(ii) Benefits

The principal benefit of the codification which forms the background to these changes is that it makes the law more accessible to waste operators and regulators alike. Mainly this issue is one of convenience: however, to the extent that this reduces the time taken to locate any particular provision it also has the potential to reduce legal fees, for example. Simplifying the regime could have the effect of encouraging operators into the recovery and recycling business.

The principal benefit of applying the controls in the Hazardous Waste Directive to exemptions is that it would put an end to infraction proceedings and thus obviate the dangers of the costs described above. However, it would also ensure that these exemptions are available only in respect of relatively benign and small-scale activities. Larger-scale and more dangerous activities would have to be carried out under the more stringent controls of a full waste management licence. These changes would reduce the risk to human health and the environment.

The benefits for each of the three options have been identified below:-

- Option 1 – do nothing. There are zero benefits attaching to this option beyond the saving of the administrative costs of codification (which are difficult to quantify, but likely to be small). There are, however, disbenefits arising from failing to apply the full range of controls in the Hazardous Waste Directive to exemptions.
- Option 2 – codify but make few or no changes to exemptions for special waste. This option would have the benefits of clarity and accessibility discussed above, but would still have the serious disbenefits arising from failing to apply the Hazardous Waste Directive properly.
- Option 3 – codify exemptions and make changes necessary to bring those dealing with special waste into compliance with Community law. The option would give rise to the benefits of codification discussed above *and* the benefits of more careful controls on hazardous wastes, as well as avoiding substantial fines.

(iii) Costs

Should a business wish to continue to store more than 23,000 litres of waste oil, 1000 tonnes of returned waste or 10 tonnes of samples, this would amount to a requirement to operate under a full waste management licence or a PPC permit, rather than under an exemption. These costs are likely to be of four figures, depending on the kind of licence sought, opposed to an exemption, which in these cases is free.

Alternatively, an operator could simply cease to store more than the permitted maxima.

The proposed consolidation of exemptions to the WMLR, and changes to exemptions dealing with hazardous waste, are intended to improve regulatory certainty and ensure that the full protection of the law on hazardous waste is extended to waste management operations, while correctly transposing the HWD. The actual changes required to do so are very small, and we do not anticipate that there will be many operators – if any – affected by them. If any operators are affected by the new limit values, they will have the option of keeping within the

new limits, and thus remaining unaffected by the legislation. Where the amount of waste they store exceeds the new limits, we believe that the risk justifies the greater degree of caution which the stricter licensing requirements entail. At the same time the possibility of substantial fines for non-compliance with Community legislation is avoided.

Small/Micro Firms Impact Test

This draft forms part of a consultation paper on which small businesses will be invited to comment. As stated above, we are not aware of any small businesses which will be affected. In particular, it is a very remote possibility indeed that any microbusiness would wish to store wastes in quantities greater than those we are now proposing. Should we become aware of any small business whose present operations would be affected, we shall consult specifically with that business on these proposals.

Business forms

No new forms are to be introduced as a result of these proposals.

Competition assessment

The proposed changes do not apply selectively. Furthermore, since it is not anticipated that these changes will actually impact on any party, they can have no effect on competition.

Enforcement, sanctions, monitoring and review

SEPA is the authority currently responsible for issuing, enforcing and ensuring compliance with waste management licences and PPC permits, as well as for registering and enforcing and ensuring compliance with exemptions. It will continue to be so, in exactly the same way as it is currently. No change is proposed in this paper to any of the sanctions currently in force, or to SEPA's present charges for licences, permits, and authorising exemptions. Since any changes proposed to the current regulatory situation are unlikely to have a significant effect, major changes to SEPA's enforcement practices, and the necessary training for its officers, are not foreseen. The Scottish Executive and SEPA would monitor and review the effectiveness of these changes.

RIA 2005/34

Comments on this regulatory impact assessment are invited. Please send them to the address given at the beginning of this paper.

LIST OF CONSULTEES

Local Authorities

Aberdeen City Council
Aberdeenshire Council
Angus Council
Argyll & Bute Council
City of Edinburgh Council
Clackmannanshire Council
Dumfries and Galloway Council
Dundee City Council
East Ayrshire Council
East Dunbartonshire Council
East Lothian Council
East Renfrewshire Council
Falkirk Council
Fife Council
Glasgow City Council
Highland Council
Inverclyde Council
Midlothian Council
Moray Council
North Ayrshire Council
North Lanarkshire Council
Orkney Islands Council
Perth and Kinross Council
Renfrewshire Council
Scottish Borders Council
Shetland Islands Council
South Ayrshire Council
South Lanarkshire Council
Stirling Council
West Dunbartonshire Council
West Lothian Council
Western Isles Council

Political Parties and MSPs

Conservative Party
Green Party
Labour Party
Liberal Democrats
Scottish National Party
Scottish Socialist Party
Denis Canavan MSP
Margo MacDonald MSP
Jean Turner MSP

NHS Trusts and Health boards

Aberdeen Royal Hospitals NHS Trust
Acute & Maternity Hospitals NHS Trust

Angus NITS Trust
Argyle and Bute NHS Trust
Argyll & Clyde Health Board
Argyll & Clyde Health Board
Ayrshire & Arran Community Healthcare NTIS Trust
Ayrshire & Arran Health Board
Ayrshire and Ax-ran Community Healthcare NI-IS Trust
Borders Community HealthServices NTIS Trust
Borders General Hospital NHS Trnist
Borders Health Board
Caithness & Sutherland NTIS Trust
Central Scotland Healthcare NI-IS Trust
Dumfries & Galloway Community Services NTIS Trust
Dumfries & Galloway Health Board
Dundee Healthcare NTIS Trust
Dundee Teaching Hospital NTIS Trust
East and Midlothian NITS Trust
Edinburgh Healthcare NTIS Trust
Edinburgh Sick Childrens's NTIS Trust
Falkirk & District Royal Infirmary NHS Trust
Fife Health Board
Fife Healthcare NTIS Trust
Forth Valley Health Board
Glasgow Dental Hospital and School NTIS Trust
Glasgow Royal Infirmary University NTIS Trust
Grampian Health Board
Grampian Healthcare NTIS Trust
Greater Glasgow Community & Mental Health Services NTIS Trust
Greater Glasgow Health Board
Hairmyres & Stonehouse Hospitals NI-IS Trust
Highland Communities NTIS Trusts
Highland Health Board
Inverelyde Royal NTIS Trust
Kirkealdy Acute Hospitals NTIS Trust
Lanarkshire Health Board
Lanarkshire Healthcare NTIS Trust
Law Hospital NTIS Trust
Lomond Healthcare NTIS Trust
Lothian Health Board
Monklands and Bellshill Hospitals NTIS Trust
Moray Health Services NI-IS Trust
North Ayreshire & Ax-ran NTIS Trust
Orkney Health Board
Perth & Kinross Healthcare NTIS Trust
Queen Margaret Hospital NTIS Trust
Raigmore Hospital NTIS Trust
Renfrewshire Healthcare NTIS Trust
Royal Alexandra Hospital NTIS Tr~ist
Royal Infirmary of Edinburgh NTIS Trust
Scottish Ambulance Service NTIS Trust
Shetland Health Board

South Ayrshire Hospitals NTIS Trust
Southern General Hospital NTIS Trust
Stirling Royal Infirmary NHS Trust
Stobhill NHS Trust Tayside Health Board
The Yorkhill NTIS Trust
Victoria Infirmary NTIS Trust
West Lothian NTIS Trust
Western General Hospitals NTIS Trust
Western Isles Health Board

Licensed Landfill Operators

A&M Smith
Aggregate Industries UK Ltd
Alcan Chemicals Europe
Andrew Cook (Containers) Ltd
Angus M Howie
ANI Bradken
Arjo Wiggins Fine Papers Ltd
Armstrong Waste Management
Balfour Beatty
Banchory Contractions Ltd
Bardon Aggregates
Barr Ltd
Blue Circle Industries plc
Booth Plant & Equipment Ltd
Borderland Reclamation Ltd
British Petroleum
Bruce Plant Hire
Burnthills Demolition
C & S Smith
C A Duguid & Sons
Caird Environmental Ltd
Chap Quarries Ltd
D Geddes (Contractors) Ltd
D J Laing (Contracts) Ltd
D. Cochrane
David Balmer
Dr & Mrs H Riffkin
Dr N J D Butcher
EWG Dickey & Co
E. Bowman
East Coast Skips
Easter Hatton Environmental
Elf Exploration UK Plc
G & F Milne
G R Service Co Ltd
G S Brown Construction Ltd
Hanson Waste Management
Haul Waste
Henry Boot (Scotland)
Henry Gilles Haulage

Hepworth Refractories
Holt Drainage
Howegaden Ltd
International Paper Ltd
J & S Mackie
J H Connon Ltd
J M Kennie (Demolitions) Ltd
J Murdoch & Sons Ltd
James Rae
John Fyfe (Contractors) Ltd
John Gibbons (Contractors) Ltd
John P Angus
Johnston Controls Ltd
Joss Ltd
King Contractors (Perth) Ltd
Kirkmyres Sand & Gravel
Kirkton Barns Reclamation Account
L H Spence & Sons
Leiths Surfacing Ltd
Les Taylor Ltd
Levenseat Ltd
Lothian Recycling 1996 Ltd
Ludden Construction Ltd
M K Leslie Ltd
M Ridgeway Esq
Mardon Plant Hire Ltd
Mc Fadyens Contractors Ltd
McIntosh Plant Hire Ltd
McTaggart Construction Ltd
Messrs D Menzies & Partners
Messrs George Raeburn
Mr Angus Macleod
Mr B Paterson
Mr G Kerr
Mr J F Williamson
Mr J Halliday
Mr Robert Drummond
Pat Munro Ltd
Patersons of Greenoakhill Ltd
Pennant Plant Ltd
Peter D Stirling Ltd
Pets Royall
Pure Malt Products Ltd
R Fraser
R Garrick
Railtrack PLC
Reclaim Ltd
Robertson Contracting
Robinson & Davidson Ltd
Russell Coal Limited

S McAlister
Scottish Power
Scottish Water
Shanks & Mc Ewan (Northern) Ltd
Shanks Avondale Ltd
Shanks Waste Services Ltd
Smith Skip Ltd
Stoneyhill Waste Management Ltd
T Muir (Haulage) Ltd
Tarmac Building Materials Ltd
Tarmac Topfloor Ltd
Taylors Industrial Services
Tayside Contracts
Thistle Aggregates Limited
Tillicoultry Quarries Ltd
Toffolo Jackson
Torith Ltd
Tullis Russell & Co Ltd
Uist Builders Ltd
UK Waste Management
W Forrest & Son
W H Malcolm Ltd
W J & R Morgan
Watermill Aggregates Ltd
William Hamilton & Sons (Contractors) Ltd
William Tracey Ltd
Wm Baxter & Son
Wm Thompson & Son Ltd

Interested Parties

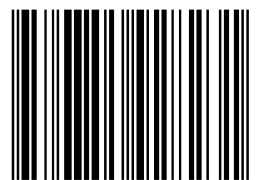
Accounts Commission
Aitken Associates
AnAxiom Ltd
Anderson Strathern WS
Aspinwall & Company
Association of Scottish Chambers of Commerce.
Association for the Protection of Rural Scotland
BIFFA Waste Services Ltd
Bishop and Robertson Chalmers
British Dental Association
British Energy Plc
Brodie Solicitors
Caledonian Environment Centre
CBI Scotland
Central Farmers Limited
Centre for Environment & Business in Scotland
Confederation of Landscape Industries in Scotland
CORDAH
COSLA
Crofters Commission

Cupar Elderly Forum
Cuthbertson Environmental Ltd
Department for the Environment for Northern Ireland
Defra
Dexter Nonwovens
DK Waste Services
EAG Environ
Ecos House
Effluent Enterprise
ENVIROMAc
Environmental Assessment Group
Environmental Health Advisory Services
Environmental Services Association
Farm and Wildlife Advisory Group
Forum of Private Business
Freight Transport Association
Freshfields WS
Friends of the Earth (Scotland)
Gas Measurement Instruments Ltd
Going for Green
Halcrow Fox
Highland Spring Ltd.
Holden Environmental Waste Management Services
Horticultural Trades Association
Ironside Farrar Ltd
IWM Caledonian Environment Centre
Keep Scotland Beautiful
Levenseat Landfill Ltd
McGrigor Donald Solicitors
MLC
MLURI
NFU Scotland
Robson Maclean WS
Scottish Agricultural College
Scottish Crofting Association
Scottish Environment Protection Agency
Scottish Rural and Property Business Association

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Astron B44083 11/05

ISBN 0-7559-2823-7



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