

Table 10-1 Waste Management Licensing Exemption Clauses

Waste Management Exemption Clauses
<p>Waste Management Licensing Regulation 1994, Schedule 3 describes activities that are exempt from the requirement to have a waste management licence.</p> <p>There are two exemptions relevant to the deposit of construction waste on land, i.e. Paragraphs 9 and 19.</p> <p>Waste Management Licensing Regulation 1994, Schedule 3, Paragraph 9 (see below).</p> <p>9.—(1) Subject to sub-paragraph (3) below, the spreading of waste consisting of soil, rock, ash or sludge, or of waste from dredging any inland waters or arising from construction or demolition work, on any land in connection with the reclamation or improvement of that land if—</p> <ul style="list-style-type: none">(a) by reason of industrial or other development the land is incapable of beneficial use without treatment;(b) the spreading is carried out in accordance with a planning permission for the reclamation or improvement of the land and results in benefit to agriculture or ecological improvement; and(c) no more than 20,000 cubic metres per hectare of such waste is spread on the land. <p>(2) The storage, at the place where it is to be spread, of any such waste which is intended to be spread in reliance upon the exemption conferred by sub-paragraph (1) above.</p> <p>(3) Sub-paragraph (1) above does not apply to the disposal of waste at a site designed or adapted for the final disposal of waste by landfill.</p> <p>The depth of waste deposition is 2 metres per hectare under this exemption.</p> <p>Waste Management Licensing Regulation 1994, Schedule 3, Paragraph 19 (see below)</p> <p>19.—(1) The storage on a site of waste which arises from demolition or construction work or tunnelling or other excavations or which consists of ash, slag, clinker, rock, wood or gypsum, if—</p> <ul style="list-style-type: none">(a) the waste in question is suitable for use for the purposes of relevant work which will be carried on at the site; and(b) in the case of waste which is not produced on the site, it is not stored there for longer than three months before relevant work starts. <p>(2) The use of waste of a kind mentioned in sub-paragraph (1) above for the purposes of relevant work if the waste is suitable for use for those purposes.</p> <p>(3) The storage on a site of waste consisting of road planings which are to be used for the purposes of relevant work carried on elsewhere if—</p> <ul style="list-style-type: none">(a) no more than 50,000 tonnes of such waste are stored at the site; and(b) the waste is stored there for no longer than 3 months. <p>(4) In this paragraph, "relevant work" means construction work, including the deposit of waste on land in connection with—</p> <ul style="list-style-type: none">(a) the provision of recreational facilities on that land; or(b) the construction, maintenance or improvement of a building, highway, railway, airport, dock or other transport facility on that land, <p>but not including either any deposit of waste in any other circumstances or any work involving land reclamation.</p>

Table 10-1 cont.

There is no maximum quantity of waste material that can be deposited under this exemption, however it must be noted that this exemption does not apply if the land is to be returned to agricultural use or is a land reclamation project.

The waste can only be deposited if all relevant conditions of exemptions are satisfied.

Waste material cannot be deposited into controlled water Section 85 of the Water Resources Act 1991 (see below).

85.—(1) A person contravenes this section if he causes or knowingly permits any poisonous, noxious or polluting matter or any solid waste matter to enter any controlled waters....

...(6) Subject to the following provisions of this Chapter, a person who contravenes this section or the conditions of any consent given under this Chapter for the purposes of this section shall be guilty of an offence and liable—

(a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000 or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.