

2007 No. 1156

**ENVIRONMENTAL PROTECTION, ENGLAND AND
WALES**

**The Waste Management (Miscellaneous Provisions) (England
and Wales) Regulations 2007**

<i>Made</i>	- - - -	<i>28th March 2007</i>
<i>Laid before Parliament</i>		<i>4th April 2007</i>
<i>Coming into force</i>	- -	<i>2nd May 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 33(3) of the Environmental Protection Act 1990^(a) and by section 2(2) of the Clean Air Act 1993^(b).

He has had regard in exercising his powers under section 33(3) of the Environmental Protection Act 1990 to the matters referred to in section 33(4) of that Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007.

(2) These Regulations come into force on 2nd May 2007.

(3) These Regulations extend to England and Wales only.

Amendment of Schedule 3 to the Waste Management Licensing Regulations 1994

2. Schedule 3 (activities exempt from waste management licensing) to the Waste Management Licensing Regulations 1994^(c) is amended as follows.

3. For paragraph (g) of paragraph 47(1) substitute—

“in any period of four weeks the land is treated only once; and”.

4.—(1) In paragraph 48 omit the word “and” immediately preceding sub-paragraph (e) and at the end add—

“; and

^(a) 1990 c. 43.

^(b) 1993 c. 11.

^(c) S.I. 1994/1056 as amended by S.I. 2006/937. There are other amendments not relevant to these Regulations.

- (f) the deposit is carried out in accordance with any requirements specified under a notice served under article 32 of the Plant Health (England) Order 2005 or article 32 of the Plant Health (Wales) Order 2006”(a).

5. After paragraph 51 insert—

“52.—(1) The disposal of agricultural waste consisting of non-hazardous pesticide solution or washings in a lined biobed at the place of production of the waste if—

- (a) every part of the place upon which the activity is carried out is surfaced with an impermeable pavement provided with a sealed drainage system so that all liquids are directed into the biobed;
- (b) the biobed is located at a secure place at least—
 - (i) 10 metres from a watercourse; and
 - (ii) 50 metres from a spring, well or borehole;
- (c) the lining of the biobed is impermeable;
- (d) the biobed is suitable for treatment of the waste;
- (e) the biobed is covered with turf; and
- (f) the total quantity of waste being treated does not exceed 15,000 litres in any period of twelve months.

(2) The secure covered storage of not more than 1500 litres of waste at the place where it is intended to be treated in a biobed in reliance on the exemption in sub-paragraph (1).

(3) The treatment of land used for agriculture with agricultural waste consisting of biobed material where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the biobed material is stored securely for 12 months before it is spread;
- (b) the biobed material consists of a mixture of straw, compost and biologically active soil;
- (c) the land is at least—
 - (i) 10 metres from a watercourse; and
 - (ii) 50 metres from a spring, well or borehole;
- (d) at the start of the treatment and at any time during the treatment—
 - (i) the land has not been frozen for 12 or more hours during the preceding 24 hours; and
 - (ii) the land is not waterlogged, flooded or snow-covered;
- (e) the activity is carried out in accordance with any requirement imposed by an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998; and
- (f) the total quantity of waste used does not exceed 50 tonnes per hectare in any period of 12 months.

(4) The secure storage at the place of production of waste that is intended to be used in reliance of the exemption in sub-paragraph (3) if—

- (a) no more than 50 cubic metres is stored at any one time; and
- (b) no waste is stored more than three years.

53.—(1) The mixing of ash from the incineration of pig or poultry carcasses at its place of production with manure for use in land treatment as specified in sub-paragraph (2).

(a) S.I. 2005/2530 (as amended by S.I. 2006/2307) and S.I. 2006/1643.

(2) The treatment of land at the place of production used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists of ash from the incineration of pig or poultry carcasses or such ash mixed with manure in reliance of the exemption in sub-paragraph (1);
- (b) the land is at least—
 - (i) 10 metres from a watercourse; and
 - (ii) 50 metres from a spring, well or borehole;
- (c) at the start of the treatment and at any time during the treatment—
 - (i) the land has not been frozen for 12 or more hours during the preceding 24 hours; and
 - (ii) the land is not waterlogged, flooded or snow-covered;
- (d) the activity is carried out in accordance with any requirement imposed by an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998;
- (e) where the waste consists only of ash from the incineration of pig or poultry carcasses, the waste is incorporated into the soil as soon as possible;
- (f) the total quantity of ash incorporated into the soil does not exceed 150 kilogrammes per hectare in any period of 12 months; and
- (g) the total amount of nitrogen added to the soil as a result of the treatment does not exceed 250 kilogrammes per hectare in any period of 12 months.

(3) The secure storage of not more than 100 tonnes of waste intended to be used to treat land as specified in sub-paragraph (2).

54.—(1) The treatment of land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists of dredging spoil (other than those containing dangerous substances) from farm ditches;
- (b) the activity is carried out in accordance with any requirement imposed by an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998; and
- (c) the total quantity of waste used per hectare does not exceed 150 tonnes per hectare in any period of 12 months.

(2) The secure storage of not more than 200 tonnes of waste intended to be used to treat land as specified in sub-paragraph (1).”.

Amendment to the Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969

6. Item 6 in the table in Schedule 1 to the Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969^(a) is omitted.

28th March 2007

Ben Bradshaw
Minister of State
Department for Environment, Food and Rural Affairs

^(a) S.I. 1969/1263 as amended by S.I. 2005/1082.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Waste Management Licensing Regulations 1994 (“the 1994 Regulations”) and the Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969. The 1994 Regulations implement (in part), in relation to England and Wales, Council Directive 75/442/EEC on waste and Council Directive 1999/31/EC on the landfill of waste.

Regulation 3 amends paragraph 47(1)(g) of Schedule 3 to the 1994 Regulations so that under this exemption an application of liquid milk to land may only be made once a month.

Regulation 4 amends paragraph 48 of Schedule 3 to the 1994 Regulations so that under this exemption any application of plant tissue to land must be made in accordance with any conditions that may have been imposed by a notice served under either the Plant Health (England) Order 2005 or the Plant Health (Wales) Order 2006.

Regulation 5 inserts new paragraphs into Schedule 3 to the 1994 Regulations to provide for exemptions from waste management licensing for activities involving the disposal of pesticide solution into a lined biobed and treatment of the land with the biobed itself, the treatment of land with ash from the incineration of pig or poultry carcasses and the treatment of land with dredging spoil from farm ditches.

Regulation 6 omits item 6 in the table in Schedule 1 to the Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969. This amendment removes an exemption for the emission of dark smoke caused by the open burning of containers lightly contaminated with pesticides.

A partial regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Waste Management Division, Permitting and Development Unit, Department for Environment, Food and Rural Affairs, 6/E7, Ashdown House, 123 Victoria Street, London SW1E 6DE and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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