

1976 No. 732

PUBLIC HEALTH, ENGLAND AND WALES

The Control of Pollution (Licensing of Waste Disposal)
Regulations 1976

<i>Made</i> - - - - -	12th May 1976
<i>Laid before Parliament</i>	21st May 1976
<i>Coming into Operation</i>	14th June 1976

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 3(1), 5(1) and (4), 6(4), 10(1), 11(3), 30(4) and 104(1) of the Control of Pollution Act 1974(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Control of Pollution (Licensing of Waste Disposal) Regulations 1976 and shall come into operation on 14th June 1976.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, “dredging operations” includes the removal of anything forming part of or projecting from the bed of the sea or of any inland water, by whatever means it is removed and whether or not at the time of removal it is wholly or partly above water.

(3) Any reference in these regulations to a numbered section shall be construed as a reference to the section bearing that number in the Control of Pollution Act 1974.

Industrial waste

3. For the purposes of sections 3 to 11, 16 and 18(1) and (2), waste of the following descriptions shall be treated as being industrial waste—

(a) waste produced in the course of constructing, improving, repairing or demolishing any building or structure;

(a) 1974 c. 40.

(b) 1889 c. 63.

- (b) waste produced as a result of dredging operations; and
- (c) sewage deposited on land, other than—
 - (i) sewage deposited, whether inside or outside the curtilage of a sewage treatment works, as an integral part of the operation of those works; and
 - (ii) sewage spread on land for agricultural purposes.

Excepted cases under section 3(1)

4.—(1) Subject to the provisions of paragraph (2) below, the following cases are hereby prescribed for the purposes of section 3(1), that is to say any case where—

- (a) waste produced in the course of constructing, improving, repairing or demolishing any building or structure is deposited or disposed of on a site being used, or about to be used, for the construction, improvement or repair of a building or structure, provided always that the deposit or disposal is made by, or with the consent of, the occupier of the site;
- (b) waste ash is deposited or disposed of on a site being used, or about to be used, for the construction or improvement or repair of a building or structure, provided always that the deposit or disposal is made by, or with the consent of, the occupier of the site;
- (c) waste produced in the course of demolishing a building is deposited on the site of such demolition;
- (d) spent railway ballast is deposited on operational land belonging to the British Railways Board;
- (e) waste produced in the course of dredging operations for the purpose of land drainage or the maintenance of a watercourse, is deposited along the banks of a watercourse;
- (f) waste produced in the course of maintaining any park, sports field, public garden or other recreation ground is, by, or with the consent of, the occupier thereof, deposited or disposed of within the boundaries of the ground in which it is produced;
- (g) waste is deposited or disposed of for the sole purpose of research into the effect of waste on the natural environment or, as the case may be, into the performance of plant or equipment designed or adapted to deal with waste;
- (h) waste is deposited directly on land for a period not exceeding one month by, or with the consent of, the occupier of the land, other than waste temporarily deposited at a site specifically designed or adapted for the reception of waste with a view to its being disposed of elsewhere;
- (i) waste is deposited in a receptacle that has been provided or adapted for the reception of waste with a view to that waste being disposed of elsewhere, provided always that the deposit is made by, or with the consent of, the owner of the receptacle;
- (j) waste is disposed of on the site on which it is produced by means of static plant with a disposal capacity of not more than 200 kilogrammes per hour; or
- (k) waste is disposed of as an integral part of the industrial process that produces it.

(2) Sub-paragraphs (a) to (j) of paragraph (1) above shall not apply to the deposit or disposal on land, or in a receptacle, of any substance (whether solid, semi-solid or liquid) which is poisonous, noxious or polluting and the presence of which on the land, or as the case may be, in the receptacle, is liable to give rise to an environmental hazard.

(3) The presence of waste for the purposes of paragraph (2) of this regulation is to be treated as giving rise to an environmental hazard if the waste has been deposited or disposed of in such manner, and in such quantity (whether that quantity by itself or cumulatively with other deposits of the same or different substances) as to subject persons or animals to material risk of death, injury or impairment of health, or as to threaten the pollution or contamination (whether on the surface or underground) of any water supply; and where waste is deposited or disposed of in any receptacle, whether sealed or not, this shall not of itself be taken to exclude any risk which might be expected to arise if the waste were not so deposited or disposed of.

Licence applications

5. An application for a disposal licence made in pursuance of section 5(1) shall state the full name and address of the applicant and include the following information concerning the land or, as the case may be, the plant or equipment to which the application relates—

- (a) a map showing its location;
- (b) the full address of that location;
- (c) a plan showing its layout;
- (d) the form of deposit or disposal for which the licence is being sought;
- (e) the types and estimated quantities of controlled waste it is proposed to deposit or dispose of; and
- (f) details of any planning permission under the Town and Country Planning Act 1971(a) which has been granted in respect of the use which is the subject of the application.

Persons prescribed for the purposes of sections 5(4) and 11(3)

6. The following shall be prescribed persons for the purposes of sections 5(4)(a) and 11(3)(c)—

- (a) the Health and Safety Executive; and
- (b) in the case of applications relating to proposals to deposit controlled waste through shafts, galleries, wells, boreholes or pipes into fractures, fissures or intergranular pore-spaces in geological formations, the Institute of Geological Sciences.

Appeals under section 10(1)

7.—(1) Notice of appeal under section 10(1) shall be given in writing within six months of the date of the decision (or, as the case may be, of the deemed rejection under section 6(5) or such longer period as the Secretary of State may at any time allow.

(2) The Secretary of State may, if he thinks fit, require a person who has appealed under section 10(1) to furnish him within a specified period with a

statement of reason for the appeal and a copy of any or all of the following documents—

- (a) the application, if any, to the disposal authority for a disposal licence or for a modification of such a licence;
- (b) any relevant plans, drawings, particulars and documents submitted to the disposal authority in support of the application;
- (c) any relevant record, consent, determination, notice or other notification made or issued by the disposal authority;
- (d) any relevant planning permission granted under the Town and Country Planning Act 1971; and
- (e) all other relevant correspondence with other authorities.

Register of disposal licences

8. The register of disposal licences to be maintained by every disposal authority in pursuance of section 6(4) shall contain the following particulars in respect of each licence issued—

- (a) the date of the granting of the disposal licence;
- (b) the full name and address of the holder of the licence;
- (c) the full name and address of the local representative (if any) of the holder of the licence;
- (d) the location of the site to which the licence relates;
- (e) the form of deposit or disposal to which the licence relates;
- (f) the types of waste of which the deposit or disposal is authorised by the licence, and any limitation as to quantity specified therein; and
- (g) the conditions (if any) attached to the issue or variation of the licence.

12th May 1976.

Peter Shore,
Secretary of State for the Environment.

11th May 1976.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to England and Wales only, make provision for a number of matters concerning the licensing of controlled waste under Part I of the Control of Pollution Act 1974.

They prescribe certain descriptions of waste to be industrial waste for the purposes of Part I, exempt a number of categories of controlled waste from the requirement to be licensed and indicate the information to be provided by an applicant for a disposal licence. In addition they nominate two bodies as prescribed persons for the purposes of sections 5(4) and 11(3) of that Act, describe the manner in which appeals to the Secretary of State under section 10(1) of the Act are to be brought and list the particulars to be contained in the register of disposal licences that is to be maintained by each disposal authority.

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