Standard rules

Chapter 4, The Environmental Permitting (England and Wales) Regulations 2010

Standard rules SR2010No9_50Kte
Use of waste for reclamation, restoration or improvement of land

Introductory note

This introductory note does not form part of these standard rules.

When referred to in an environmental permit, these standard rules will allow the operator to carry out treatment of land that has been previously subject to industrial or other man-made development for the purpose of reclamation, restoration or improvement by the spreading of waste. These standard rules are for the recovery of waste only and do not apply to any activities involving disposal. You should ensure that your activity meets the definition of recovery in accordance with Environment Agency guidance before applying for these standard rules.

These standard rules may be used in conjunction with the mobile plant for treatment of land for reclamation, restoration or improvement where there is a need to create a surface layer of soil to enable the land to be brought back into use for agricultural, ecological or amenity purposes.

Permitted wastes do not include hazardous wastes. The total quantity of waste that can be stored and subsequently spread at the site under these standard rules shall not exceed 50,000 tonnes.

These standard rules do not permit the burning of any wastes, either in the open, inside buildings or in any form of incinerator.

The activities must not be carried out within 500 metres of a European Site[1], Ramsar site or a Site of Special Scientific Interest (SSSI); or 250 metres within the presence of Great Crested Newts where it is linked to the breeding ponds of the newts by good habitat;

The activities shall also not be within:

- groundwater Source Protection Zones 1 or 2
- 10 metres of any watercourse;
- 50 metres from any spring or well, or from any borehole not used to supply water for domestic or food production purposes;
    - 50 metres of a National Nature Reserve (NNR), Local Nature Reserves(LNR), Local Wildlife Site (LWS), Ancient woodland or Scheduled Ancient Monument. and
- 50 metres of a site that has relevant species or habitats protected under the Biodiversity Action Plan that the Environment Agency considers at risk to this activity..

These standard rules do not allow any point source emissions into surface waters or groundwater.

End of introductory note

[1] A candidate or Special Area of Conservation (cSAC or SAC) and Proposed or Special Protection Area (pSPA or SPA) in England and Wales.

Rules

1 – Management

General management

1.1.1 The operator shall manage and operate the activities:

(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and

(b) using sufficient competent persons and resources.

1.1.2 Records demonstrating compliance with rule 1.1.1 shall be maintained.

1.1.3 Any person having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of them kept at or near the place where those duties are carried out.

1.1.4 The operator shall comply with the requirements of an approved competence scheme.

1.2 Avoidance, recovery and disposal of wastes produced by the activities

1.2.1 The operator shall take appropriate measures to ensure that:

(a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and

(b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and

(c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.

The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

2 – Operations

2.1 Permitted activities

2.1.1 The operator is only authorised to carry out the activities specified in table 2.1 below ("the activities").

Table 2.1 Activities	
Description of activities	**Limits of activities**
R13: Storage of wastes pending any of the operations numbered R3 and R5. **R3**: Recycling/reclamation of organic substances which are not used as solvents; **R5:** Recycling or reclamation of other inorganic materials	Secure storage and use of wastes listed in table 2.3 for the purposes of reclamation, restoration or improvement of land as detailed in the approved waste recovery plan. The land to be treated has been previously subject to industrial or other man-made development. The activities shall not be carried out other than in accordance with the approved waste recovery plan. In any case no more than 50,000 tonnes of waste shall be stored or used under these standard rules. In any case waste shall only be spread to a thickness not exceeding 2 metres.

2.1.2 The reclamation, restoration or improvement work subject to these standard rules shall be completed in accordance with details provided in the approved waste recovery plan, unless otherwise agreed in writing by the Environment Agency.

2.1.3 The operator shall submit to the Environment Agency for approval any revisions to the waste recovery plan and shall implement the approved revised plan in place of the original from the date of approval.

2.1.4 The quantities given in the approved recovery plan shall not be exceeded

2.1.5 On completion of the reclamation, restoration or improvement work a survey of final waste levels relative to Ordnance Datum shall be submitted to the Environment Agency within one month.

2.2 The site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.

2.2.2 The activities shall not be carried out within:

(a) 500 metres of a European Site or a Site of Special Scientific Interest (SSSI); or250 metres within the presence of Great Crested Newts where it is linked ot the breeding ponds of the newts by good habitat;

(b) groundwater Source Protection Zones 1 or 2;

(c) 10 metres of any watercourse

(d) 50 metres of any spring or well, or of any borehole not used to supply water for domestic or food production purposes;

(e) 50 metres of a National Nature Reserve (NNR), Local Nature Reserves(LNR), Local Wildlife Site (LWS), Ancient woodland or Scheduled Ancient Monument; and

(f) 50 metres of a site that has species or habitats protected under the Biodiversity Action Plan that he Enfironment Agency considers at risk to this activity.

2.3 Waste acceptance

2.3.1 Waste shall only be accepted if:

(a) it is of a type listed in table 2.3 of these standard rules;

(b) it has been identified as a suitable waste type in the approved waste recovery plan;

(c) it conforms to the description in the documentation supplied by the producer and holder;

(d) its chemical, physical and biological characteristics make it suitable for its intended use on the site;

(e) any excavated soil from potentially contaminated sites has been shown by prior chemical analysis and assessment to be suitable for the intended use without significant risk of pollution; and

(f) it is visually inspected on arrival and at the point of deposit to ensure that it complies with these standard rules.

2.3.2. Any waste that does not comply with 2.3.1 shall be rejected and shall be;

(a) removed from the site; or

(b) moved to a designated quarantine area pending removal.

2.3.3 Records demonstrating compliance with rule 2.3.1 (including analysis and assessment of any excavated soil from potentially contaminated sites) shall be maintained.

Table 2.3 Waste types

Exclusions

Wastes having any of the following characteristics shall not be accepted:

- **Consisting solely or mainly of dusts, powders or loose fibres;**
- **Hazardous wastes;**
- **Wastes in liquid form.**

Waste Code	Description
01	**WASTES RESULTING FROM EXPLORATION, MINING, QUARRYING AND PHYSICAL AND CHEMICAL TREATMENT OF MINERALS**
01 04	**wastes from physical and chemical processing of non-metalliferous minerals**
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	waste sand and clays
02	**WASTES FROM AGRICULTURE, HORTICULTURE, AQUACULTURE, FORESTRY, HUNTING AND FISHING, FOOD PREPARATION AND PROCESSING**
02 04	**wastes from sugar processing**
02 04 01	soil from cleaning and washing beet
10	**WASTES FROM THERMAL PROCESSES**
10 01	**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 01	bottom ash and slag only
10 01 02	pulverised fuel ash only
10 12	**wastes from manufacture of ceramic goods, bricks, tiles and construction products**
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)
10 13	**wastes from manufacture of cement, lime and plaster and articles and products made from them**
10 13 14	waste concrete and concrete sludge
17	**CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)**
17 01	**concrete, bricks, tiles and ceramics**
17 01 01	concrete
17 01 02	bricks
17 01 03	tiles and ceramics
17 01 07	mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06
17 05	**soils (excluding soils from excavated sites), stones and dredgings**
17 05 04	soils and stones including chalk other than those mentioned in 17 05 03
17 05 06	dredging spoil other than those mentioned in 17 05 05
17 05 08	track ballast other than those mentioned in 17 05 07
19	**WASTES FROM WASTE MANAGEMENT FACILITIES, OFF SITE WASTE WATER TREATMENT PLANTS AND PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION / INDUSTRIAL WASTE**
19 08	**wastes from waste water treatment plants not otherwise specified**
19 08 02	washed sewage grit (waste from desanding) only
19 12	**wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified**
19 12 09	minerals (for example sand, stones)
19 12 12	soil substitutes other than that containing dangerous substances only
19 13	**wastes from soil and groundwater**
19 13 02	solid wastes from soil remediation other than those mentioned in 19 13 01
20	**MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS**

20 02	garden and park wastes (including cemetery waste)
20 02 02	soils and stones

3 – Emissions and monitoring

3.1 Emissions of substances not controlled by emission limits

3.1.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this rule if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.

3.1.2 The operator shall:

(a) if notified by the Environment Agency that the activities are giving rise to pollution, submit to the Environment Agency for approval within the period specified, an emissions management plan;

(b) implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.1.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise leakage and spillage from the primary container.

3.2 Odour

3.2.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.

3.2.2 The operator shall:

(a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the period specified, an odour management plan;

(b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.3 Noise and vibration

3.3.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable, to minimise, the noise and vibration.

3.3.2 The operator shall:

(a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to noise and vibration, submit to the Environment Agency for approval within the period specified, a noise and vibration management plan;

(b) implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

4 – Information

4.1 Records

4.1.1 All records required to be made by these standard rules shall:

(a) be legible;

(b) be made as soon as reasonably practicable;

(c) if amended, be amended in such a way that the original and any subsequent amendments remain legible or are capable of retrieval; and

(d) be retained, unless otherwise agreed by the Environment Agency, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender:

(i) off-site environmental effects; and

(ii) matters which affect the condition of land and groundwater.

4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by these standard rules, unless otherwise agreed in writing by the Environment Agency.

4.2 Reporting

4.2.1 The operator shall send all reports and notifications required by these standard rules to the Environment Agency using the contact details supplied in writing by the Environment Agency.

4.2.2 Within one month of the end of each quarter, the operator shall submit to the Environment Agency using the form made available for the purpose, the information specified on the form relating to each site and the waste accepted and removed from it during the previous quarter.

4.3 Notifications

4.3.1 The Environment Agency shall be notified without delay following the detection of:

(a) any malfunction, breakdown or failure of equipment or techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;

(b) the breach of a limit specified in these standard rules; or

(c) any significant adverse environmental effects.

4.3.2 Written confirmation of actual or potential pollution incidents and breaches of emission limits shall be submitted within 24 hours.

4.3.3 Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.

4.3.4 The Environment Agency shall be notified within 14 days of the occurrence of the following matters except where such disclosure is prohibited by Stock Exchange rules:

a) Where the operator is a registered company:

- any change in the operator's trading name, registered name or registered office address; and

- any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

b) Where the operator is a corporate body other than a registered company:
- any change in the operator's name or address; and
- any steps taken with a view to the dissolution of the operator.

c) In any other case:
- the death of any of the named operators (where the operator consists of more than one named individual);
- any change in the operator's name(s) or address(es); and
- any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case them being in a partnership, dissolving the partnership.

4.4 Interpretation

4.4.1 In these standard rules the expressions listed below shall have the meaning given.

4.4.2 In these standard rules references to reports and notifications mean written reports and notifications, except when reference is being made to notification being made "without delay", in which case it may be provided by telephone.

"accident" means an accident that may result in pollution.

"approved waste recovery plan" means a plan that has been approved by the Environment Agency that justifies and gives evidence that the operation carried out under these standard rules meets the definition of waste recovery, and will continue to do so throughout the duration of the permitted operation.

"authorised officer" means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in Section 108(4) of that Act.

"dangerous substances" means any substance that has been or will be classified as dangerous in Directive 67/548/EEC and its subsequent amendments

"domestic purposes" has the same meaning as in section 218 of the Water Industry Act 1991.

"emissions of substances not controlled by emission limits" means emissions of substances to air, water or land from the activities, either from emission points specified in these standard rules or from other localised or diffuse sources, which are not controlled by an emission limit.

"European Site" means Special Area of Conservation or candidate Special Area of Conservation or Special Protection Area or proposed Special Protection Area in England and Wales, within the meaning of Council Directives 79/409/EEC on the conservation of wild birds and 92/43/EEC on the conservation of natural habitats and of wild flora and fauna and the Conservation (Natural Habitats &c) Regulations 1994. Internationally designated Ramsar sites are dealt with in the same way as European sites as a matter of government policy and for the purpose of these rules will be considered as a European Site.

"food production purposes" means the manufacturing, processing, preserving or marketing purposes with respect to food or drink for which water supplied to food production premises may be used, and for the purposes of this definition "food production purposes" means premises used for the purposes of a business of preparing food or drink for consumption otherwise than on the premises.

"*good habitat"* means rough (especially tussocky) grassland, scrub and woodland

"groundwater" means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

"groundwater Source Protection Zone" has the meaning given in the document titled "Groundwater Protection: Policy and Practice" published by the Agency in 2006.

"pollution" means emissions as a result of human activity which may—
(a) be harmful to human health or the quality of the environment,
(b) cause offence to a human sense,
(c) result in damage to material property, or
(d) impair or interfere with amenities and other legitimate uses of the environment.

"*quarter*" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

"R" means a recovery operation provided for in Annex IIB of Directive 2006/12/EC of the European Parliament and the Council of 5 April 2006 on waste.

"secure storage" means storage where waste cannot escape and members of the public do not have access to it.

"SSSI" means Site of Special Scientific Interest within the meaning of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

"waste code" means the six digit code referable to a type of waste in accordance with the List of Wastes (England) Regulations 2005, or List of Wastes (Wales) Regulations 2005, as appropriate, and in relation to hazardous waste, includes the asterisk.

"year" means calendar year commencing on 1st January.

End of standard rules

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