

## The meaning of “place” under the new waste exemption system

**This position explains what we mean by “place” under the waste exemption system for farms, the storage of sewage sludge and linear networks. It also discusses the registration of an additional U1 exemption on a previously registered linear network and advises on how to register a linear network.**

### Background

In April 2010 a [new waste exemptions system](#) came into force, subject to transitional provisions of between 18 month and 3.5 years. When registering an exemption, the operator must tell us where the exempt activity is going to happen, the “place” where it is going to be carried out. This requires an address and either a postcode or a grid reference.

In the majority of registrations, the places registered are ‘point’ or discrete locations - a single, identifiable place or area which is simple to define. In these cases simple identifiers, such as postcodes or grid references, can be provided at the time of registration.

However, there are situations where this may not be clear, especially where the activities take place on a farm or on a linear network. Linear networks are things like roads, rivers, canals and railways where activities are carried out along stretches rather than a definable and discrete points.

This position statement clarifies what is meant by place in the relation to:

- farms
- storage of sewage sludge (S3)
- linear network.

It also covers the situation where an additional U1 exemption is registered on a U1 linear network and how to register a linear network.

### Farms

We have an established meaning of ‘site’ for agricultural waste exemptions and we will adopt this for the purposes of the new regulations. So, in relation to exemptions taking place on a farm, we consider the ‘place’ that needs to be registered is **the farm in question** (including outlying land or discrete farmyards that are being managed as a single farm unit or form one business location). Yards or land parcels with different

addresses and correspondence addresses are considered separate units and each should be registered as a separate 'places'.

You may only register one U10 per farm. If you need to store at greater quantities or spread at higher rates then you must do this under a permit for land-spreading.

### **Storage of sewage sludge (S3)**

S3 refers to the storage of sewage sludge that is to be spread in accordance with the Sludge (Use in Agriculture) Regulations 1989 (sludge regulations).

The S3 exemption refers to secure storage in a location at the place where it is to be used. Where sewage sludge is being stored to be spread in accordance with the sludge regulations we will consider 'place' to be the spreading area associated with that stockpile provided:

- 1) The total quantity of each stockpile of sludge is no more than is to be spread in accordance with the sludge regulations at that location.
- 2) It is stored in accordance with all other exemption requirements.

### **Linear networks**

Linear networks are things like roads, rivers, canals and railways where activities are carried out along stretches rather than definable and discrete points. In order to help our customers to comply with the regulations and ensure that we have accurate data for registration, we have put in place a process by which these networks can be registered.

Some exemptions may apply or use waste in a linear fashion, for example U1- Use of waste in construction. This could be used at an easily identifiable discrete place such as to build a car parking area. It would be easy to provide a postcode or a grid reference for this. It would be clear what the maximum tonnages per place were allowed.

U1 may also be used to maintain an existing road for example filling in potholes along a stretch of road covering several miles. It would not be easy to provide one postcode or grid reference to cover this activity. It would also be difficult to decide how much waste could be used under any one registration as the distances between two points could vary. To enable our customers maximum flexibility in specified situations whilst ensuring any environmental risk is kept to a minimum, we will accept linear registrations where the tonnages specified per linear mile in this guidance are not exceeded.

### **Linear networks apply to the following exemptions:**

- U1 Use of waste in construction
- D1 Deposit of waste from dredging of inland waters
- D2 Deposit of waste from a railway sanitary convenience
- U12 Use of mulch (where the mulch is produced and used on site).

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## U1 – Use of waste in construction

We will **only** accept this arrangement where the proposed use of construction waste is for the **maintenance** of an existing structure. For example a road, a flood defence, or a network of sewers.

When the proposed activity is the creation of a **new** construction or an **extension** to an existing construction, we expect that place to be registered separately. In this situation we expect the limits on U1 to be complied with.

Where the waste is being used to maintain an existing construction, we would not expect the limits specified in Appendix 1 to be exceeded. These limits represent 10 per cent of the total tonnage allowed under the exemption, over three years.

Whilst this approach is useful for maintenance of linear networks, it may create an issue for an establishment or undertaking which wants to carry out a new construction project on a part of a linear network that already been registered. This is because only one registration may be made per place. So, for the purposes of U1, we will interpret the following as a separate place on a previously registered linear network:

- Any discrete location where a new construction takes place or where the quantities used for maintenance or repair exceed those defined for linear networks above. New constructions would include the extension or replacement of an existing construction.

The additional U1 should be registered in the same way as a normal U1. However only one additional U1 may be registered in relation to any new construction.

## D1 - Deposit of waste from dredging of inland waters

This exemption is based on a linear limit, so we will apply this limit as specified in the legislation. The legislation allows, over a 12-month period, the deposit or treatment of up to 50 cubic metres of the wastes specified below, for each metre of land on which waste is deposited.

Codes	Waste types
170506	Dredging spoil other than those mentioned in 170505

## U12 - Use of mulch

We will allow a linear network to be registered in respect of mulch when the mulch is both generated and used on that linear network. A linear network that is registered under this position cannot import waste mulch from other sites.

You can use up to 10 tonnes in total of mulch per linear mile per month where that mulch has originated from the linear network that it is being used on.

Codes	Waste types
020103, 191207, 200201	Untreated wood and plant matter

### Registering a linear exemption on a linear network

Rather than require the operator to register each time, we will accept a single registration to cover the network. This should be made in the name of the operator at their registered office or principle place of business and will identify the network to which the registration applies. We expect the operator to divide his linear network into operational areas and advise us of those using a map or a spreadsheet that identifies their extent (start and finish grid references). The operational areas can vary according to the nature and size of the operator's business, but as long they can be identified on a map/spreadsheet we will accept them as 'places' under the regulations and register them accordingly.

One way that an operator could choose to divide up a linear network would be to divide it according to maintenance or work programmes. You need to fill out the electronic or paper form and submit it with a copy of a map or spreadsheet detailing the network. When submitting a spreadsheet you will need to provide details of the nearest town/district, county, name of watercourse/stretch of road and grid references showing the start and end points of the stretch of network(s) it is referring to.

### Example spreadsheet

Exemption	County	Town or District	Specific Network	Start Point	End Point
U1	West Sussex	Worthing	A259 between Worthing and Storrington	AB12345,12345	AB56789,56789
D1	West Sussex	Littlehampton	River Arun between Arundel and Littlehampton	AB11111,22222	AB33333,44444

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**Appendix 1- Limits for use of wastes in the maintenance of an existing construction under a U1 exemption**

<b>Codes</b>	<b>Waste types</b>
<b>You can use up to 500 tonnes in total (per linear mile per annum) of the wastes below for the maintenance of an existing construction.</b>	
010102	Waste from mineral non-metalliferous excavation
010408	Waste gravel and crushed rock other than those mentioned in 010407
010409	Waste sand and clays
020202	Shellfish shells from which the soft tissue or flesh has been removed only
101208	Waste ceramics, bricks, tiles and construction products (after thermal processing)
101314	Waste concrete and concrete sludge
170101	Concrete
170102	Bricks
170103	Tiles and ceramics
170107	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 170106
170506	Dredging spoil other than those mentioned in 170507 This waste can only be used for drainage work carried on for the purposes of the Land Drainage Act 1991, the Water Resources Act 1991 or the Environment Act 1995
170508	Track ballast, other than those mentioned in 170507
191205	Glass
191209	Minerals (for example sand and stones)
191212	Aggregates only
<b>You can use up to 100 tonnes in total (per linear mile per annum) of the wastes below for the maintenance of an existing construction</b>	
020399, 020401	Soil from cleaning and washing fruit and vegetables only
170302	Bituminous mixtures other than those mentioned in 170301. This waste can only be used for the construction of tracks, paths, bridleways or car parks. The waste must be processed into chipped form prior to use.
170504	Soil and stones other than those mentioned in 170503
170506	Dredging spoil other than those mentioned in 170505
191302	Solid wastes from soil remediation other than those mentioned in 191301
200202	Soil and stones
020103	Plant tissue waste This waste can only be used for the construction of tracks, paths, bridleways or car parks. The waste must be processed into chipped form prior to use.
030101	Waste bark, cork and wood only. This waste can only be used for the construction of tracks, paths, bridleways or car parks. The waste must be processed into chipped form prior to use.
<b>You can use up to 5,000 tonnes (per linear mile, per annum) of the wastes below, for the maintenance of existing roads only</b>	
170302	Bituminous mixtures other than those mentioned in 170301
170504	Road sub base only

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