



Guidance

# Waste recovery plans and deposit for recovery permits

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## Applies to England

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# How to apply for an environmental permit to permanently deposit waste on land as a recovery activity

Waste recovery on land, or deposit for recovery, is when you use waste material in place of non-waste material you would have used to perform a function.

Before you apply, you should use the Environment Agency's [pre-application advice service](https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit) (<https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit>) to find out what you need to include and what permit you need to apply for.

You must create a waste recovery plan and include it with your deposit for recovery permit application. Your plan must demonstrate waste recovery. The Environment Agency recommends that you send them your waste recovery plan before you make your application. This is separate from the pre-application advice service. They will tell you whether they agree that your proposed deposit will be a recovery operation.

If you cannot show that your proposed operation is waste recovery, you can apply for a [waste disposal permit](https://www.gov.uk/guidance/landfill-operators-environmental-permits) (<https://www.gov.uk/guidance/landfill-operators-environmental-permits>) instead.

Find out more about waste recovery and disposal operations in the [Waste Framework Directive guidance](https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive) (<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>). Amendments to the Environmental Permitting (England and Wales) Regulations 2016 (EPR) have adopted European Directives that the UK was subject to when it left the European Union.

The Waste Framework Directive (2008/98/EC) was amended in 2018 (2018/851) to include a definition of 'backfilling'. Backfilling is any recovery operation where suitable non-hazardous waste is used for reclamation in excavated areas or for engineering in landscaping.

This guidance applies to any deposit for recovery operation, including backfilling. Specific guidance is also provided on:

- deposit for recovery at landfill sites
- improving soil quality
- treating soil

## Waste recovery plan

You must send the Environment Agency a waste recovery plan when you're applying for a deposit for recovery permit. See table 1.19.1 in the [environmental permitting charging scheme](https://www.gov.uk/government/publications/environmental-permits-and-abstraction-licences-tables-of-charges) (<https://www.gov.uk/government/publications/environmental-permits-and-abstraction-licences-tables-of-charges>) for the charge you must pay.

Your waste recovery plan may include documents you prepared for other purposes, such as planning applications or to meet health and safety requirements. Once the Environment Agency approves your waste recovery plan it will form part of your environmental permit.

You must carry out your operation according to your permit and waste recovery plan. The Environment Agency will check this through compliance inspections and audits. If you do not comply with your waste recovery plan you are in breach of your permit.

If you need to make changes to your proposal, see 'Changing your permit or plan'.

## Waste recovery assessment

Depositing waste is a recovery activity if you can show that you could and would carry out the works using non-waste material. Your waste recovery plan must include evidence to support this. The Environment Agency refer to this as substitution.

If you submit your proposals with a permit application and they do not agree that the activity is waste recovery, they will refuse your application.

The Environment Agency cannot retrospectively permit the activity if you or someone else has already deposited waste.

If the material you would otherwise have used was originally waste, you must show that it has achieved end of waste status, for example by complying with a [quality protocol \(https://www.gov.uk/government/collections/quality-protocols-end-of-waste-frameworks-for-waste-derived-products\)](https://www.gov.uk/government/collections/quality-protocols-end-of-waste-frameworks-for-waste-derived-products).

For the purposes of waste recovery assessment, the Environment Agency does not accept as a non-waste alternative any material that would only be a non-waste if it were actually used in the intended scheme. For example, as a by-product or through the [CL:AIRE Definition of Waste Code of Practice \(DoW CoP\) \(https://www.claire.co.uk/projects-and-initiatives/dow-cop\)](https://www.claire.co.uk/projects-and-initiatives/dow-cop).

Use the guidance on how to [check if your material is waste \(https://www.gov.uk/guidance/check-if-your-material-is-waste\)](https://www.gov.uk/guidance/check-if-your-material-is-waste) to assess whether materials are likely to be waste.

Demonstrating substitution is difficult where the waste you intend to recover is either:

- already being stored on site
- is to be excavated, treated and re-deposited in the same area

Where waste has already been imported, the operator or developer can consider removal of waste from site to support their claim that non-waste material could and would alternatively be used to complete the scheme. If not, costs associated with removing the waste would need to be included in any cost breakdown provided.

# Evidence to support recovery of waste

You can use the following to help you decide if your proposal is a deposit for recovery activity. The Environment Agency will consider all relevant, available information and take a view based on all the evidence you send them.

## Financial benefit by using non-waste materials

You may provide evidence to show that if you used non-waste, you would benefit from a direct net financial gain or other worthwhile benefit. Your waste recovery plan must include:

- details of the scheme that will provide direct financial or other worthwhile benefit
- your expected income, capital gain or other worthwhile benefit
- all the costs of generating this income, capital gain or delivering other worthwhile benefit – including all the costs of financing and carrying out the scheme with non-waste, and any ongoing operating costs

Your waste recovery plan must show that it would be financially worthwhile to complete the scheme using non-waste. For example, it must show that using non-waste produces a meaningful financial gain or is affordable and otherwise worthwhile.

For example, if you're going to level land to sell to a developer, you will not be able to include the profits the developer might make in your financial justification. However, if your work will increase the value of the land prior to sale, then you can include this gain as part of your evidence that the scheme is commercially worthwhile.

'Meaningful financial gain' means the profit and payback period would make it worth your while to incur the full cost of using non-waste, taking into account normal commercial considerations such as the degree of risk. If the method of funding for the scheme is a favourable rate loan, you must provide an assessment of the financial viability of the scheme with a market rate loan. Your assessment must confirm that the scheme could go ahead with non-waste.

'Market rate' is the standard rate of interest accepted in an industry for a specific type of transaction. This figure will change.

A 'favourable rate' loan is where funding is provided at a lower rate of interest than the market rate. Often this is because the lender has an existing business relationship with the borrower, for example, they may accept a greater level of risk or longer repayment period than an independent lender.

'Otherwise worthwhile' means there are indirect financial gains. For example, if you wanted to improve a flood defence system with non-waste, the investment may only pay for itself over a long period but you would avoid the associated costs of a flood.

If you're applying as a contractor, you must provide the same evidence but show that the operation would be financially or otherwise worthwhile for the person employing you. The Environment Agency will only consider the income, capital gain or other worthwhile benefit received by the person who covers the cost of using non-waste.

## **Funding to use non-waste materials**

If you alternatively plan to use non-waste material without any financial benefit, your waste recovery plan can include evidence that you have assured funding to cover all the costs of carrying out the scheme with non-waste. You must include any ongoing operating costs. For example, you are a non-profit organisation and have grant-funding to deliver a specific scheme.

You must include evidence that:

- the scheme falls within your area of responsibility or activity
- the scheme would result in a benefit that is proportionate to the scheme
- you have secured the funding you need to cover the cost of using non-waste, and any ongoing operating costs

## **Obligations to complete the scheme**

You may provide evidence that you're obliged to carry out the scheme.

This may be because a regulator has imposed a requirement on you so you would have to do the work whether you use waste or non-waste. For example, you operate a quarry and are required by planning conditions of an already implemented planning permission to restore it according to an approved plan. This is not the same as having a planning permission which allows you to do certain work but does not require you to do it.

If there's an existing planning condition or obligation the Environment Agency will look at all the available information. This may include:

- the extent to which the local planning authority was directly involved in the design of the scheme when they granted the planning permission and imposed the condition
- whether the local planning authority would be likely to agree anything significantly different

### **Specific obligations**

Obligations may specify the scheme you have to carry out. If you have specific obligations to complete the scheme proposed, the Environment Agency will normally accept recovery where your waste recovery plan includes:

- evidence of the obligation

- plans and cross sections that show your proposal matches the obligation on you

## General obligations

Some obligations require you to achieve certain results, but do not specify exactly how you must do that.

If you're generally obliged to do something, your waste recovery plan must demonstrate why you would meet that obligation by carrying out the proposed scheme with non-waste or waste. It must also show how your proposed scheme meets your obligation.

For example, if you have a general obligation to reduce noise levels at a property, you do not need to build a noise bund. You could reduce noise by moving the noise source away from the property or changing your operation. In those cases, you do not need to deposit any material.

You would have to show the Environment Agency why you would meet your general obligation by spending money on importing non-waste material, rather than an alternative.

## Evidence the waste is serving a useful purpose

Waste recovery plan assessment considers whether a waste is suitable in principle for the proposed use and does not guarantee that specific waste types will be included in the permit following determination of an application.

The Environment Agency has identified a list of [waste types that they will normally accept in a typical deposit for recovery activity](https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/check-if-your-waste-is-suitable-for-deposit-for-recovery) (<https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/check-if-your-waste-is-suitable-for-deposit-for-recovery>).

This guide sets out the types of waste and typical uses the Environment Agency will normally accept for deposit of waste for recovery.

You must provide information and evidence about the chemical, physical and engineering properties of the waste in your waste recovery plan if you:

- want to deposit a waste not listed
- want to deposit waste for a use other than that listed (non-typical)
- will not meet the criteria specified in the list

This must show that the waste:

- is suitable for the intended purpose
- will not cause pollution

If the waste you intend to deposit is hazardous, see the section on 'Recovery of hazardous waste on land'.

Evidence must be provided by an suitably qualified person. This will be someone who has expert knowledge of the type of work you want to do and the environmental risks involved.

For example, if:

- you are building a bund or embankment, a suitably qualified person is likely to be a geotechnical engineer
- you are building a road or development platform, it may be a civil engineer
- your scheme is small and straightforward, it could be an experienced practitioner rather than a graduate or chartered engineer

You must show that the waste you intend to use is comparable to the non-waste material you are replacing and will perform the same function. It may not always be appropriate to use a like for like replacement. For example, if you plan to construct a soil bund instead of an acoustic wall.

Your waste recovery plan must confirm that a waste could perform an intended function. If you apply for a bespoke deposit for recovery permit, you must provide a site-specific risk assessment for the deposit of the waste to support your application. If you are applying for a standard rules permit, you can only use the waste authorised by those rules. See the section on 'Deposit for recovery permits'.

## **Planning permission**

You must tell the Environment Agency in your waste recovery plan how the development is authorised in planning terms. Include a copy of any permission and associated documents where relevant.

You must provide a copy of the planning permission and its conditions if you are relying on a planning condition to demonstrate that you have an obligation to carry out the works.

A planning permission and any additional activities associated with a scheme required within it is also relevant to an assessment of recovery where costs are included.

A planning application that has been granted also supports the claim that an activity could and would go ahead as proposed in the waste recovery plan.

If a project does not yet have planning permission, you must include alternative evidence in your waste recovery plan.

## **Additional information you may need to include in your waste recovery plan**

You must include certain information in your waste recovery plan unless you have specific obligations to carry out the work that stipulates the relevant details. (See the section on 'Specific obligations'.)



## Purpose of the work

You need to clearly describe the function of your proposed scheme and show that you're carrying out the scheme to meet a genuine need.

Your evidence must set out:

- how the scheme will be carried out and completed
- why the scheme is needed
- how the scheme will meet that need

## Quantity of waste used

You must provide evidence to show that you:

- will only use the amount of waste needed to carry out the function that would otherwise be provided by non-waste
- have considered alternative proposals that could use a smaller amount of waste to achieve the same function

You must provide plans and cross sections showing the original and planned final ground levels. The final ground level (contour) plan will be included in your permit by reference to the approved waste recovery plan. It will define the upper limit of the permitted activity.

Drawings must be of a suitable scale. Levels must be shown relative to ordnance datum.

## Meeting quality standards

You must provide evidence to show how the scheme will be:

- designed and constructed
- fit for purpose

The finished scheme must not result in pollution [as defined in the EPR \(https://www.legislation.gov.uk/ukxi/2016/1154/regulation/2/made\)](https://www.legislation.gov.uk/ukxi/2016/1154/regulation/2/made) or any other environmental problems such as:

- soil erosion
- increased risk of flooding in the surrounding area

Waste recovery plan assessment considers whether the design of a scheme is suitable in principle. The Environment Agency will carry out site-specific technical assessment as necessary as part of the permit application determination.

## Deposit for recovery permits

Read the [guidance that applies to all waste permits \(https://www.gov.uk/guidance/waste-environmental-permits\)](https://www.gov.uk/guidance/waste-environmental-permits) to find out:

- which application forms to use
- what level of risk assessment you need to complete
- whether you need to provide other information with your permit application

This information is in addition to the waste recovery plan.

## Standard rules permit

You can apply for a [standard rules permit \(https://www.gov.uk/guidance/waste-environmental-permits#check-if-you-can-get-a-standard-rules-permit\)](https://www.gov.uk/guidance/waste-environmental-permits#check-if-you-can-get-a-standard-rules-permit) if you plan to recover 60,000 cubic metres or less of waste. Your proposal must meet the requirements of both:

- [SR2015 No 39: Use of waste in a deposit for recovery operations \(https://www.gov.uk/government/publications/sr2015-no39-use-of-waste-in-a-deposit-for-recovery-operation\)](https://www.gov.uk/government/publications/sr2015-no39-use-of-waste-in-a-deposit-for-recovery-operation)
- [Generic risk assessment for SR2015 No 39 \(https://www.gov.uk/government/publications/sr2015-no39-use-of-waste-in-a-deposit-for-recovery-operation\)](https://www.gov.uk/government/publications/sr2015-no39-use-of-waste-in-a-deposit-for-recovery-operation)

## Bespoke waste recovery permit

You must apply for a [bespoke waste recovery permit \(https://www.gov.uk/guidance/waste-environmental-permits#how-to-apply-for-a-bespoke-permit\)](https://www.gov.uk/guidance/waste-environmental-permits#how-to-apply-for-a-bespoke-permit) if you plan to recover more than 60,000 cubic metres of waste or your proposal doesn't meet the requirements of a standard rules permit.

## Waste acceptance procedures

You must include your waste acceptance procedures as part of your [management system \(https://www.gov.uk/guidance/develop-a-management-system-environmental-permits\)](https://www.gov.uk/guidance/develop-a-management-system-environmental-permits).

When you apply for a bespoke waste recovery permit, your application must include the site-specific waste acceptance procedures you will follow when you accept waste onto your site.

Waste must be characterised against the [waste classification technical guidance \(WM3\) \(https://www.gov.uk/government/publications/waste-classification-technical-guidance\)](https://www.gov.uk/government/publications/waste-classification-technical-guidance).

Read the [waste acceptance procedures guidance \(https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-acceptance-procedures-for-deposit-for-recovery\)](https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-acceptance-procedures-for-deposit-for-recovery).

## Understand and describe your site

You must understand the environmental setting of your site and describe your site based on an [environmental setting and site design report](https://www.gov.uk/government/publications/report-template-environmental-setting-and-site-design) (<https://www.gov.uk/government/publications/report-template-environmental-setting-and-site-design>). This will help you decide what risk assessments and management plans you need to send the Environment Agency with your application.

For more information see '[Understand your site](https://www.gov.uk/guidance/landfill-operators-environmental-permits/landfills-for-inert-waste#understand-your-site) (<https://www.gov.uk/guidance/landfill-operators-environmental-permits/landfills-for-inert-waste#understand-your-site>)'.

## Risk assessment for bespoke deposit for recovery activities

Waste recovery activities must not cause pollution. Read the guide for how to carry out [risk assessments for your environmental permit](https://www.gov.uk/guidance/risk-assessments-for-your-environmental-permit) (<https://www.gov.uk/guidance/risk-assessments-for-your-environmental-permit>).

You must prevent or minimise emissions from your recovery activity if your risk assessment suggests that your site will have an impact on:

- local residents, properties or designated habitat sites
- groundwater or surface water

### Risk assessment: water

You must use a [tiered approach](https://www.gov.uk/guidance/groundwater-risk-assessment-for-your-environmental-permit#use-a-tiered-approach-to-your-risk-assessment) (<https://www.gov.uk/guidance/groundwater-risk-assessment-for-your-environmental-permit#use-a-tiered-approach-to-your-risk-assessment>) to do your hydrogeological risk assessment. This means that the greater the risk of pollution, the more complex an assessment you must carry out.

You must carry out a qualitative risk assessment. This may lead to a quantitative risk assessment if your waste recovery activity:

- is in a [sensitive location](https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site#sensitive-locations) (<https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site#sensitive-locations>)
- could result in an [unacceptable discharge](https://www.gov.uk/government/collections/groundwater-protection) (<https://www.gov.uk/government/collections/groundwater-protection>)

If your [conceptual site model](https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site#conceptual-site-model) (<https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site#conceptual-site-model>) shows that the waste you propose to use is unlikely to be a hazard to groundwater or surface water, then you do not need to carry out a quantitative groundwater risk assessment.

If your risk assessment suggests that your activity will have an impact on groundwater or surface water, you must install an attenuation layer. You must use

material of a suitable quality with an appropriate thickness and permeability to prevent pollution.

## Engineering work

Find out what [engineering work \(https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/engineering-construction-proposals-for-deposit-for-recovery\)](https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/engineering-construction-proposals-for-deposit-for-recovery) you need to include in your application, where your risk assessment shows that you need to:

- protect the environment from your activity (for example, install an attenuation layer)
- monitor the environment (for example, install monitoring boreholes).

## Gas monitoring

Where your risk assessment suggests:

- your waste is likely to produce gas
- you plan to deposit waste more than 2 metres below the surrounding ground surface

You must monitor your waste for:

- methane
- carbon dioxide
- oxygen

You must record the atmospheric pressure when you take gas readings.

Your risk assessment will confirm how many monitoring boreholes per hectare you must install. The boreholes must extend to the full depth of the waste.

You can rely on searcher bar (also called spike test) monitoring where the total depth of the waste is less than 4 metres. Your permit will tell you how often you need to monitor and when to send the results to the Environment Agency.

If you're not going to carry out monitoring, you must explain why in your permit application.

## Aftercare monitoring

You may need to carry out aftercare monitoring to confirm the waste is physically and chemically stable. Aftercare is the period after you stop depositing waste until the Environment Agency accept the surrender of your permit.

If you carried out monitoring when you were depositing the waste (the operational phase), you must continue that monitoring for a short period after you stop

depositing waste. The length of time you do this for will depend on what you found during your operational phase monitoring.

You need the results of this monitoring to support your application to surrender [Landfill and deposit for recovery: aftercare and permit surrender](https://www.gov.uk/government/publications/landfill-epr-502-and-other-permanent-deposits-of-waste-how-to-surrender-your-environmental-permit) (<https://www.gov.uk/government/publications/landfill-epr-502-and-other-permanent-deposits-of-waste-how-to-surrender-your-environmental-permit>).

Find out what monitoring you must do in the [controlling and monitoring emissions guidance](https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit) (<https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit>).

## Changing your permit or plan

If you need to change your waste recovery plan, you must send the revised version to the Environment Agency's National Permitting Service. The Environment Agency will need to reassess your plan to confirm that the revised operation is a recovery activity. You must pay the waste recovery plan charge in table 1.19.1 of the [environmental permitting charging scheme](https://www.gov.uk/government/publications/environmental-permits-and-abstraction-licences-tables-of-charges) (<https://www.gov.uk/government/publications/environmental-permits-and-abstraction-licences-tables-of-charges>).

These changes may include if you wish to:

- accept a different type of waste
- change the volume of waste to be deposited
- change where or how the waste is to be placed

You may also need to apply to [change your permit](https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmental-permit) (<https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmental-permit>). If you do you can contact the Environment Agency for [pre-application advice](https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit) (<https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit>). You may need to pay for this service.

You must ask for advice before you make any changes to your permitted activity. If you do not you could be liable to enforcement action and it may take longer for you to surrender your permit.

## Deposit for recovery at landfill sites

A landfill permit regulates the disposal of waste in or on land. If you want to recover waste at a landfill site, that activity must be separately authorised, either in your landfill permit or as a separate permit.

## Using waste in engineered structures

You may use waste in any engineered structure if it is of suitable quality and satisfies the minimum engineering standards. If you want to use waste in an

engineered structure as a permitted recovery activity, you must demonstrate waste recovery. See '[Design and build your landfill site \(https://www.gov.uk/guidance/landfill-operators-environmental-permits/design-and-build-your-landfill-site#using-waste-in-engineered-structures\)](https://www.gov.uk/guidance/landfill-operators-environmental-permits/design-and-build-your-landfill-site#using-waste-in-engineered-structures)'.

## Landfill restoration

Landfill restoration is the placement of an even final layer of soil on top of the landfill to return the land to beneficial use.

Landfill restoration is to create a soil profile. If you plan to deposit waste to improve an existing profile, see the section 'Improving soil quality'. If you plan to use waste to treat soil, see the section on 'Treating soil'.

Landfill restoration does not include raising levels to meet an approved landform under planning control. You must normally achieve contouring and drainage falls during the disposal operation. This is required by the pre- or post-settlement contour plan in your landfill permit.

If you propose to deposit waste material to restore your landfill site, or to make up waste settlement, see [Restore with waste materials \(https://www.gov.uk/guidance/landfill-operators-environmental-permits/restore-your-landfill-site\)](https://www.gov.uk/guidance/landfill-operators-environmental-permits/restore-your-landfill-site).

## Landfill remediation

You can apply for a deposit for recovery permit where:

- you intend to excavate, treat and re-deposit waste
- you can demonstrate the re-deposit is recovery

You must consider the risk of pollution that the activity will present. You may need to install an attenuation layer beneath the waste to mitigate any emissions. Your permit application must include a hydrogeological risk assessment.

The level of detail for that hydrogeological risk assessment will depend on the site setting. See '[Plan the environmental setting of your site \(https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site\)](https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site)' and the section of this guidance on 'Deposit for recovery permits'.

You must consider any residual contamination in the waste after you have treated it. This will affect the criteria used to accept that the waste has been treated sufficiently for placement [waste acceptance criteria \(https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-acceptance-procedures-for-deposit-for-recovery\)](https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-acceptance-procedures-for-deposit-for-recovery) and how long the aftercare phase will be. It will also affect your permit surrender application. You should gather monitoring data as evidence to support that surrender application. See the section on 'Aftercare monitoring' and guidance on how to [surrender your](#)

[permit \(https://www.gov.uk/government/publications/landfill-epr-502-and-other-permanent-deposits-of-waste-how-to-surrender-your-environmental-permit\)](https://www.gov.uk/government/publications/landfill-epr-502-and-other-permanent-deposits-of-waste-how-to-surrender-your-environmental-permit).

## Recovery of hazardous waste on land

The definition of recovery in EPR, Regulation 3 does not exclude hazardous waste. Where you plan to recover hazardous waste on land, your waste recovery plan must confirm that the use of hazardous waste is recovery. The Environment Agency will carry out a site-specific technical assessment as part of the permit application determination.

The Environment Agency accept that you can apply for a recovery permit to use hazardous waste as an engineered structure. However, they will require more information and risk assessments as part of your permit application. They will impose permit conditions requiring environmental protection measures. See the section on 'Deposit for recovery permits'.

You may also need to gather monitoring data as evidence to support your surrender application. This includes during the aftercare phase. See the section on 'Aftercare monitoring' and guidance on how to [surrender your permit \(https://www.gov.uk/government/publications/landfill-epr-502-and-other-permanent-deposits-of-waste-how-to-surrender-your-environmental-permit\)](https://www.gov.uk/government/publications/landfill-epr-502-and-other-permanent-deposits-of-waste-how-to-surrender-your-environmental-permit).

The recovery of inert and inorganic non-hazardous waste on land normally satisfies article 6 of the Waste Framework Directive. Once placed, it ceases to be waste. The Environment Agency do not consider that hazardous waste fulfils article 6(a) – the substance or object is commonly used for a specific purpose. Hazardous waste will remain waste after placement. Where the long term risks require active monitoring, the Environment Agency may consider the risk too great and refuse to grant the permit.

The Environment Agency will never consider certain hazardous wastes suitable for recovery, for example where they are prohibited by other legislation. This includes waste material contaminated with mercury and Persistent Organic Pollutants.

Before you apply for a permit to recover hazardous waste, you should contact the Environment Agency for a [pre-application discussion \(https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit\)](https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit) to find out what you need to include and to confirm if the operation is a waste or installation activity.

## Recovery of inorganic hazardous waste on land as an installation

Recovery of inorganic hazardous waste on land with a capacity of greater than 10 tonnes per day falls under EPR Section 5.3 Part A(1)(a)(vi) 'recycling or reclamation of inorganic materials other than metals or metal compounds'. You must make a permit application for an installation activity.

Where you store, treat and recover inorganic hazardous waste as part of the same activity, you must consider if the aggregated capacity of those activities exceeds 10 tonnes per day. If you intend to recover organic hazardous waste, you must consider whether these activities are also subject to the Industrial Emission Directive.

## Improving soil quality

Where you intend to spread waste on land to improve soil quality (landspreading), you must provide a benefit statement. Read [Landspreading: produce a benefit statement \(https://www.gov.uk/government/publications/landspreading-apply-to-deploy-mobile-plant/landspreading-produce-a-benefit-statement\)](https://www.gov.uk/government/publications/landspreading-apply-to-deploy-mobile-plant/landspreading-produce-a-benefit-statement).

A benefit statement must describe the improvements that spreading waste will provide.

Your benefit statement must include:

- waste and soil analysis
- intended end-use of the land
- how waste will be incorporated
- any pre-treatment of waste
- waste testing and standards

If you do not have representative waste or soil analysis available when you make your permit or variation application, you must apply to change your permit later to include them.

Where you provide waste and soil analysis with your application, the Environment Agency will consider them valid for 12 months. After that you will need to provide new analysis results and agree them in writing with your Environment Agency local office. You must apply to change your permit if the new analysis requires assessment due to a change in composition.

## Treating soil

If you plan to mix or blend waste, or manufacture a soil substitute, you will need authorisation from the Environment Agency. They must also authorise any waste you store on site before you place it.

If your permit does not allow waste treatment you will need to apply:

- to vary your permit to include a waste treatment activity (and storage if not allowed)
- for a separate treatment permit, for example where the activity is being managed by a third party

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