



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government

Review of proposals to tackle crime and poor performance in the waste sector & introduce a new fixed penalty for the waste duty of care

Summary of responses

July 2018



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Introduction

This document contains a summary of the responses to the consultation on “Proposals to tackle crime and poor performance in the waste sector & introduce a new fixed penalty for the waste duty of care”.

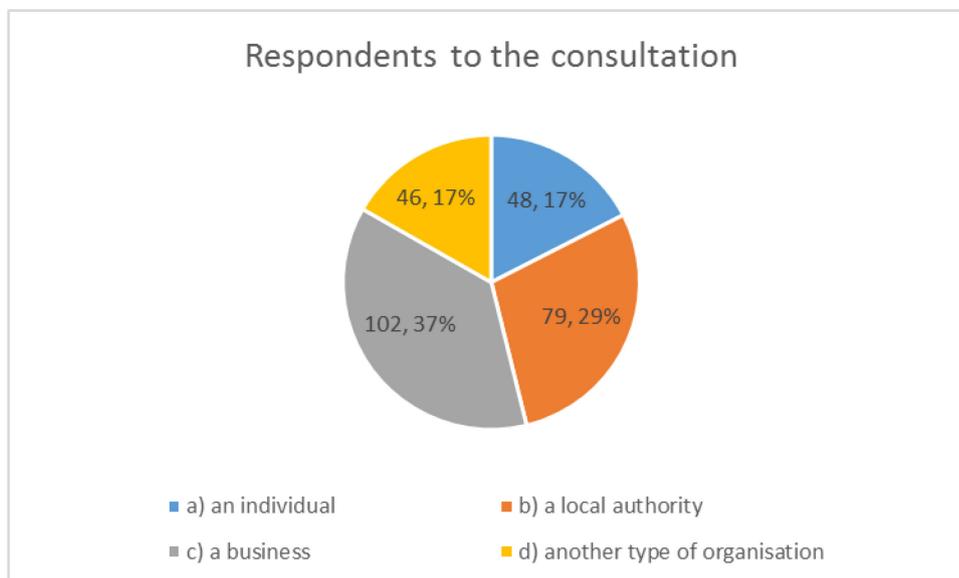
This consultation was held between 15 January and 26 March 2018 (<https://consult.defra.gov.uk/waste/crime-and-poor-performance-in-the-waste-sector/>)

The consultation sought views on:

- a) Raising the standard of operator competence across all permitted waste sites by strengthening the regulator’ assessment and enforcement abilities.
- b) Reforming the exemptions element within the waste permitting regime.
- c) Introducing a Fixed Penalty Notice for household Duty of Care offences for fly-tipping.

The Summary of Responses is therefore split into the same three separate sections which can be read independently of each other. This document summarises the responses received to each question. A government response will be published in the autumn.

We received a total of 275 separate responses. The majority of these responses were from local authorities and businesses.



The category d) in the above chart can be further broken down as trade associations, professional bodies, non-governmental organisations and other.

A number of respondents also wrote separately to the department offering comments on wider waste issues beyond the questions posed in the consultation. Their comments have been noted for future policy development, but are not included in this summary.

Part A: Raising the standard of operator competence at permitted waste sites

Part A sought views on proposals to strengthen the regulators' assessment and enforcement of operator competence in order to raise the standard of competence across all permitted waste sites.

Past Performance Q1-6

Q1. Do you think widening the definition of relevant offences will enable the regulators to make a more informed decision about operator past performance?

112 Responses

93% said yes

7% said no

A local authority felt that further control and means to assess suitability would be welcome.

39 private businesses responded to this question of which 34 said yes. A number of comments expressed support, they thought it would assist the regulators to make an assessment of an operators' competence and felt it important that sub-standard operators do not pass undetected. One respondent thought that operator past performance should apply to exemptions as well. Another thought that looking at the number of relevant offences would give an indication of the attitude of the organisation/individual.

The comments received from trade associations, professional bodies, private individuals, NGOs and others were supportive, but certain respondents cautioned against penalising legitimate operators and called for an appeals process. Some consultants believed the existing definition to be satisfactory.

Q2. Do you think the Serious Crime Act 2015 and the Public Order Act 1986 should be added to table 1? Should offences in other Acts of Parliament be added to table 1?

106 Responses

90% said yes

10% said no

28 local authorities responded to this question of which 27 said yes. Respondents thought that any serious crime should be accounted for and that operators needed to understand that criminal behaviour would have serious consequences for their businesses.

40 Private businesses responded to this question of which 35 said yes. There was widespread support for the addition of the two Acts as the profile of waste criminals often involves multiple aspects of criminality. Those against felt that consideration should be given to the rehabilitation of offenders act when considering environmental offences and felt that environmental crime is adequately covered already.

There was 100% support from professional bodies and consultants and others. A majority of the private individuals that responded to this question were supportive. Some respondents said they did not see the Serious Crime Act as applicable but they supported The Public Order Act inclusion.

Suggested other offences to be added included:

- Multiple responses suggesting inclusion of Health and Safety at Work Act 1974
- Multiple responses suggesting inclusion of the Modern slavery Act 2015
- Environmental Protection Act 1990 statutory nuisance offences
- The Bribery Act 2010
- Corporate Manslaughter and Corporate Homicide Act 2007
- Road Traffic Act 1988
- Criminal Damage Act 1971 with respect of deliberate arson
- Crime and Policing Act 2014 breach of Community Protection Notices
- Fraudulent evasion of VAT under Sec.72 of the VAT Act 1994
- False accounting under sec.17 of the Theft Act 1968
- Fraudulent evasion of income tax under Sec.106A of Taxes Management Act 1970
- Offences under the Criminal Finances Act 2017
- Anti-Social Behaviour offences
- Money laundering offences
- Waste Batteries and Accumulators Regulations 2009
- Animal By-Products (Enforcement) Regulations
- Offences under Scottish and Northern Irish Legislation as potential applicants may have committed offences in these territories

Q3. Do you think it should be made clearer that regulators can take spent offences into account in exceptional circumstances?

106 Responses

91% said yes

9% said no

A majority of respondents expressed support with the caveat that there must be clear guidance or definition of exceptional circumstances. One respondent supported it where offences have been repeated persistently.

Of those respondents that were against the proposal some felt that it was already clear and that spent convictions should not be taken into account. One felt that it would not be in accordance with the Rehabilitation of Offenders Act 1974 and another that there should be the right to challenge.

Q4. Do you think that corporate bodies should be treated differently from individuals and the regulators should be able to consider the convictions of corporate bodies?

103 Responses

75% said yes

25% said no

There was wide support for corporate bodies to be treated differently among local authorities, trade associations, professional bodies, private individuals and other respondents. There was recognition that corporate bodies may operate a large number of facilities and that the process should allow a corporate body to demonstrate why spent offences from one area of the business were not relevant to hindering the issue of a permit to another part of the business. Those that said no largely felt that corporate bodies should not be allowed to distance themselves from prosecution on account of their size.

Of the 41 private businesses that responded 25 said yes and 16 said no. Of those that support the proposal the support was caveated with suggestions for clear guidance and that it should be approached proportionately when dealing with large companies with multiple activities. Those that said no could see no reason why corporate bodies should be treated differently from individuals although one comment felt that any change in the organisations leadership should be taken into account.

Q5. Do you think that ensuring the regulators can take account of poor behaviour will enable the regulators to make a more informed decision about operator past performance?

110 responses

92% said yes

8% said no

Local authority respondents saw this as positive and only likely to bring benefits to regulation by aiding decision making. A number of respondents thought that any measures implemented would need to be as transparent as possible, the definition of poor behaviour would need to be clear and that poor behaviour should be spent after a predetermined period of time.

Respondents from private businesses widely supported this but called for guidance and felt that the poor behaviour must be from the current operator. Of those that said no, respondents thought that larger companies with numerous permits would be at a disadvantage.

Respondents from trade associations, professional bodies, private individuals and others were supportive and included a number of suggestions for a clear definition in guidance.

Q6. Do you think that widening the definition of relevant person will enable the regulators to make a more informed decision about operator past performance?

112 Responses

96% said yes

4% said no

Responses to this question were accompanied by strongly supportive comments. There were a number of comments that felt there should be more definitive guidance on the definition of “relevant person” and that it should include all management and ‘shadow directors’ (as defined in the Companies Act) who have been convicted of a relevant offence. A number of comments also expressed concern over regulator resources in regard to this proposal and other proposals in Part A of the consultation document.

Management systems Q7

Q7. Do you think that it would be beneficial for all waste permit holders to operate in accordance with a written management system?

112 Responses

96% said yes

4% said no

Many of the local authority respondents were supportive. They were keen for the content of a management system to be proportional to the scale and complexity of the operations. They also wanted to see standardisation across management systems. One respondent was concerned that the cost of writing a management plan would be significant to smaller waste operators. Another was concerned that current management systems would require significant amendment to meet the minimum standards. Consequently they would like to have further input into the minimum standards to ensure that operators who perform well are not unduly burdened by the new requirements.

48 private businesses responded to this question of which 46 said yes. There were a number of positive comments from respondents keen to see an end to the inconsistency between pre and post 2008 permits and the unfair competitive advantage of those operators without the condition. A number of comments echoed the thoughts of some local authorities in that they wanted to see proportionality and standardisation. There were several suggestions that the management system should be certified to a recognised standard based on size and risk e.g. ISO 14001 or EMAS or follow good practice e.g. PAS 402.

There were some concerns from private businesses that the proposal could penalise compliant businesses without tackling the root cause of the issues. It was felt that a management system in itself does not guarantee compliance and that effective and proportionate review of performance and working with businesses is more likely to lead to success. One private business did not welcome the approach and was disappointed that the regulator had not used its powers to review and update permits. They expressed concern over how the requirements in the Environmental Permitting Regulations (EPRs) will override existing requirements in a permit or which will take precedence if they are not consistent. Other concerns included a suggestion for a phased approach and a request that all proposed changes to the permitting regime within this section of the consultation take into consideration the proposed changes to the exemptions regime.

Trade association respondents were unanimous in their support for this proposal. Additional comments included a desire for the regulator to provide guidance, for requirements to be proportionate and to be conscious of the cost burden. Other concerns were that the requirement would be ineffective without sufficient enforcement and that compliance scoring should be consistent. One respondent was concerned with permit breaches being scored twice for both non-compliance of a specific condition and poor site management at a site.

Similarly, while the professional bodies that replied to this question were unanimously supportive there were also concerns around consistency of compliance scoring and the

unnecessary and excessive penalisation of both the non-compliance itself and the cause of the non-compliance. One respondent was concerned that the systems should remain flexible to allow operators to respond to changing circumstances and that while such documents ought to be subject to Environment Agency inspection they should not be subject to Environment Agency approval. Another thought that any changes should be within legislation rather than altering permits to help level the playing field between operators of newer and older permits.

Private individuals, non-governmental organisations and others who responded to this question were largely supportive. Concerns echoed those above regarding permit breaches being scored twice, proportionality, guidance and resourcing implications for the regulator.

Technical competence Q8-11

Q8. Do you think that including an explicit requirement in the EPRs for permitted waste sites to demonstrate technical competence through a scheme approved by government will address the current gap in technical competence?

112 Responses

89% said yes

11% said no

26 local authorities responded to this question, 25 of which said yes. However, some of the concerns expressed included the need for a lengthy period of adjustment and that, to be successful, it will need to be properly enforced.

48 private businesses responded to this question, 41 of which said yes. The concerns expressed, however, included the need for consistency, of effective enforcement and for a suitable transition period. There were concerns that the proposals should be proportionate and target higher risk sites and poor performers. There was also concern that these requirements could be a further barrier to legitimate businesses brought into the permitting regime by changes to exemptions and that this should be reflected in the revised impact assessments. Similarly, those that responded no were concerned with the additional costs that this proposal would require. One respondent felt that it might only make a difference at sites which are managed by responsible operators. They were concerned by a mismatch between the Waste Management Industry Training and Advisory Board (WAMITAB) awards and certain types of permitted activities and thought that a lesser award should be available for operators of in-house sites only accepting waste produced from their own activities.

12 trade associations responded to this question, 10 of which said yes. They were keen to discourage operators who do not have the resources, the experience or the intention to operate within the law. However, the concerns were consistent with regards to proportionality, a transition period and it was again felt that unless the requirement was enforced it would not have any impact. One respondent was concerned that an 'approved' scheme might turn into a monopoly and become prohibitively expensive. Another felt that

a reliance on the two schemes currently approved might ignore the importance of experience in the industry. They felt that experience counts for a great deal and those who are not academically capable may struggle while still being very capable of carrying out their work effectively. One respondent felt that the option to 'buy in' technical competence should not be removed or unduly restricted especially from small-scale operators which may have limited ability to undertake the qualification in-house.

One professional body felt that it should also cover Pollution Prevention and Control permitted waste sites. Another wished to emphasise that the requirement should be introduced via a change of legislation rather than updates to permits. Several respondents felt that the current gap in technical competence was due to a lack of adequate enforcement. WAMITAB responded that it was confident the timelines expressed in the consultation (1 year for poor performing sites to achieve Technical Competence requirements, and 2 years for all other sites) would be achievable within the current infrastructure of qualification deliverers.

Two private individuals responded that the requirement would need to be underpinned by a clear duty on the regulator to include adequate technical competence as part of its compliance and inspections and the ability to take sanctions against technically competent managers as well as operators. One non-governmental organisation commented that the success or failure of the proposed change will be dependent on how rigorously the requirement is enforced. Another highlighted that some operators should be allowed sufficient time to adapt.

Q9. Do you think that inserting a requirement into the EPRs for operators to inform the regulators of the TCM (Technically Competent Manager) at their waste site will address the current gap in technical competence?

111 Responses

82% said yes

18% said no

The majority of local authorities that responded were supportive. The main concerns expressed were regarding the administrative burden this might place on both operator and regulator. It was therefore felt that this should be a quick and simple process and that it should be easy for the regulator to enforce.

46 private businesses responded to this question of which 34 said yes. One respondent felt that it was a low-cost mechanism to monitor compliance with technical competence requirements and that it is consistent with the requirements of other comparable regimes. There were however a number of concerns regarding the burden that this proposal would place on businesses particularly those that are already compliant. One respondent thought that the proposal was too broad and that it should only apply to high-risk sites.

Those private businesses that said no had concerns about the flexibility of this proposal. They were unclear on how it would impact their ability to move individuals within the business and across sites. Others agreed that the administrative burden could be reduced by adding a section to their quarterly waste returns instead.

13 trade associations responded to this question, 9 of which said yes. Several trade associations thought that this proposal would add further administrative burden for little benefit especially if it wasn't properly enforced. Another felt that frequent staff changes could lead to mounting additional costs should there be a charge to amend the named TCM at the site. Two respondents thought that rather than individuals it should be the company which demonstrates competence across a number of its facilities and that more emphasis should be placed on the requirement to have a management plan in place.

The four professional bodies that responded to this question were unanimous in their support. One however thought that if the presence of the TCM is considered to be critical to compliance then there is a case for frequent reporting. They felt that the TCM's attendance should be a matter that is checked during the course of the regulator's site inspection and should only become a focus of compliance activity in its own right when linked to declining performance. There were also concerns expressed regarding how the EU Skills/ESA scheme, which does not recognise an individual, would fit with the proposal.

Other respondents were supportive of informing the regulators of the TCM at the waste site through the use of the waste return as it was thought this would not be too onerous to undertake. Several respondents were keen to know whether they would have access to the information so that they could avoid contracting poor performers.

Q10. Do you think the current competence schemes should be amended to include a TCM registration process to address the current gap in technical competence?

104 Responses

88% said yes

12% said no

Local authorities that responded to this question were unanimous in their support for a registration process. They were however keen for the reasons for de-registering a TCM to be made clear and questioned whether a de-registered TCM would be able to re-apply for registration following a period of time.

44 private businesses responded to this question of which 34 said yes. However, there were a number of concerns expressed about how such a registration process would work in practice. Concerns included how to deal with TCMs proportionately and whether training or probation would be offered and deregistration left as a last resort. A number of respondents were concerned that TCMs may become accountable for actions they did not recommend or could not control. To combat this there were suggestions that the permit holder should have to respond to a monthly TCM report listing their intended actions against the TCMs concerns on compliance. Another respondent was also unsure how the EU Skills / ESA corporate scheme could interact with a separate registration requirement. Those that said no shared similar concerns around the potential for conflict between operators and TCMs with one suggestion that this should only apply to TCMs that are not an employee of the operator.

11 trade associations responded to this question, 8 of which said yes. Trade associations which said no did not believe a TCM registration process would address the current gap in

technical competence but that it would identify those persons who are deemed to be technically competent. Another felt that it would add an additional and unnecessary level of burden and would add further administrative cost. Professional bodies, private individuals and others shared many of the same concerns.

The scheme providers for the CIWM/WAMITAB scheme of individual operator competence noted that they have liaised with the regulators to identify a system of registering TCM to remove or temporarily suspend TCMs from the register, which means until they are reinstated they cannot be considered as technically competent despite their qualifications.

Q11. Do you have any information about the proportion of waste sites that would employ a TCM, rather than training a current employee?

A significant majority of respondents to this question said they would rather train a current employee. One respondent felt that training a current employee provided a greater degree of flexibility, was more cost-effective and ensures that the person involved had a much better understanding of the site's operation. Some respondents were keen to stress that it is important that the TCM responsibilities are not combined with another role to ensure appropriate coverage in accordance with EPR time requirements.

Q11a. Do you have any information about the proportion of sites not currently adequately covered by a TCM?

One respondent questioned what was meant by adequate and whether it was a reference to simple coverage or includes competence. Another felt that a lot of operators consider the role of a TCM as a tick box exercise and that many do not fulfil their required duty because they held other, more time consuming roles within companies.

One respondent said that while they hadn't seen any recent updates on the number of ELV tests passed, based upon previous data, they thought that less than 50% of permitted authorised treatment facility's (ATF) had a TCM. Another said that they had extrapolated data from past EA surveys of operators and suggested the number of sites without any TCM is over 1000 and likely to be higher if sites where operators have not maintained TCMs are taken into account.

One respondent thought there were a large number of sites where TCM cover is minimal but took issue with the idea that TCMs should be required to spend a minimum amount of time on site especially in light of requirements for written management plans.

Financial competence and provision Q12-21

Q12. Do you think that an independent report that rates business solvency and risks will enable the regulators to confirm that operators are financially able to meet their permit obligations?

92 Responses

73% said yes

27% said no

21 local authorities responded to this question, of which 20 said yes. The accompanying comments included requests for this not to be the only measure and for clarity on whether this would apply to waste disposal authorities or their operating organisations. One respondent expressed concern about the possibility of restricting new business from entering the market.

37 private businesses responded to this question, 22 of which said yes. 6 respondents felt that permits should only be issued to operators that have the financial standing to fulfil their permit obligations. However, four respondents thought that a financial report would be a barrier to entry. Other concerns expressed related to the frequency of reporting and that the level of financial competence should be proportionate to the waste activity.

Several trade associations thought that greater financial oversight at an early stage of the permitting process would help to create a level playing field and discourage individuals from setting up only to abandon their site. Concerns expressed were in regards to the potential costs and burdens this would place on operators which may also act as a barrier to operators entering the market. Others felt that the reports would need to be sent to the regulators regularly, at least annually and when non-compliance is detected. There were also thoughts expressed about proportionality of the level of financial competence required.

The professional bodies, private individuals and others that responded to this question echoed many of the same comments.

Q13. Do you think that all waste site operators or only higher risk operators should be required to make financial provision?

100 Responses 56% all waste site operators 44% higher risk operators

Comments received from local authorities focussed on the definition of high risk and whether specifically targeting these operators would be difficult to achieve.

One private business noted that all sites should have financial provision because low risk operations also act illegally. However, two noted that only high risk sites should be required to make financial provision as there are many legitimate and low risk waste operators whose primary activity is something other than waste. There were a number of other comments about the principle of financial provision. One thought that balance is needed so not to dis-incentivise legitimate operators from entering the sector, but restricting access to operators who would act illegally. Another thought financial provision would be a cost burden on legitimate operators. It would impact on the borrowing capacity of our sector which would have a constraining impact on future investment.

Two trade associations that responded to this question thought that only higher risk operators and higher risk sites should make financial provision, because of the significant cost impact on existing operators.

Professional bodies that responded to this question focussed on higher risk sites needing to have financial provision but that a clear definition of high risk was needed. One noted that low risk good performing sites can end up in trouble quickly, stockpile waste and then abandon the site. Another thought that the test to make provision should relate to the financial robustness of the permit holder only, with the amount of provision being determined by the consequences of failing. This risk of the permit holder failing and the consequence of failure should be treated separately. The same respondent queried whether financial provision would actually discourage stockpiling and abandonment. They thought there will be a disincentive of losing the financial bond, but at that point the business is already likely to have reached the point of no return in terms of failure.

Q14. What risk criteria do you consider should be taken into account when determining which waste operations should be required to make financial provision?

Specific risk criteria flagged in the responses were:

- Quantity of waste on the site and volume throughput
- Type of waste at site and their polluting potential (e.g. hazardous waste)
- Proximity of sensitive receptors - environmental, communities, transport
- Past performance and convictions – linked to OPRA scores
- Emissions
- Complexity of operation
- Market conditions for certain waste types
- Financial competence
- Scale and complexity of the operation
- Fire risk
- Sites with limited planning permissions
- Company funds and turnover
- Operational competence, including technical competence and management system
- Age of the site – increased pollution risk with older sites
- Net worth test - where the company tangible asset value exceeds the site liability
- New start-ups should be higher risk
- The cost of cleaning up a waste site following abandonment
- Third party compensation claims should be included
- Whether the company has public liability insurance
- Security at a site
- Single size operators – because they are more likely to fail
- Cost of recovery of waste

Q15. Do you think the proposed basis for calculating the amount of financial provision would be sufficient?

88 Responses

76% said yes

24% said no

Two local authorities noted that the proposal will not cover the cost of clearing waste if the volume of waste at a site exceeds the maximum quantity allowed onto the site.

Of the private businesses that responded to this question 3 agreed that financial provision should be based on the maximum quantity of waste which may be stored on site at any one time. Another respondent went further to say that it should be based on max storage, including 10% margin and admin costs. Other more specific suggestions included using annual throughput as set out in Fire Prevention Plans (as used by SEPA) and use of an average of the last five years inputs and outputs to determine the average stock on site to calculate the level of provision. Two noted that using the maximum quantity of waste on site at any one time could lead in some instances to exceptionally high levels of provisions having to be made by organisations, so an upper cap should be included. Another two noted that maximum quantity of waste on site at any one time will not suffice because an illegal operator will store many times that amount anyway. Another noted it should be based on price per tonne to send waste to landfill and funds to cover labour cost to physically clear the waste.

Trade associations, professional bodies and others echoed many of the above comments. 3 trade associations thought that using maximum storage capacity would be fine if the EA carried out more regular inspection and enforcement of sites to know when a site is starting to stockpile waste at a site.

Q16. Do you think that regulators should be able to extend financial provision in exceptional circumstances?

90 Responses

79% said yes

21% said no

11 of the private businesses that responded to this question felt that there should be a clear definition of exceptional circumstances, which should be set out in guidance. Others noted that this should not be subjective or arbitrary, otherwise it would be very costly to operators. Four noted that an appeal route should be established and referred to an independent arbiter. One respondent disagreed and stated that if financial provision is set out in a clear and transparent manner and permits are constructed appropriately there should be little need for exceptional circumstances to be applied.

A number of trade associations that responded were unclear on what constitutes exceptional circumstances and stated that a clear definition would be needed in guidance. One felt that an appeals process would be needed and another disagreed with the need for extending financial provision. One thought that the regulators should ensure that permits comply with their permit conditions and if there was a pollution incident affecting the wider area this would be reflected in the OPRA and subsistence fees would increase to cover the regulatory effort.

Two professional bodies echoed the thoughts of trade associations regarding the definition of exceptional circumstances.

Q17. Do you think the level of required financial provision should be reduced for wastes with significant and demonstrable recovery values?

91 Responses

56% said yes

44% said no

While one local authority agreed that having recoverable material at a site would decrease the risk of abandonment others noted that recovery values will fluctuate according to global prices. Others noted that there would still be a cost associated with disposing of recoverable waste and that recovery could be expensive if the waste isn't properly segregated.

Five private businesses explicitly agreed that waste type should be inextricably linked with financial provision and there should be a reduction for certain waste types. Another thought it would be a positive incentive to increase recycling. Four noted that recovery values are dependent on fluctuations due to market forces and the volatility of the recovery values need to be taken into account. They felt that any reduction in financial provision should take into account the levels of contamination. One disagreed because they said high recovery values are what often attract rogue operators in the first place. Another disagreed because they thought sites with high recovery values would have to adhere to lower compliance levels.

The majority of trade associations agreed, but had a number of additional comments. One thought that the potential degradation of the waste, due to how it has been stored, needed to be taken into account. Another two thought that volatile markets would make it difficult to agree the exact price of the financial provision. One queried whether the value of the financial provision would need to be regularly assessed to take account of the changes in the value of the recovery levels over time. One disagreed because they felt there would be too much uncertainty about the value of the waste held of the sites because the value will fluctuate over time.

Professional bodies, private individuals and others echoed many of the same views.

Q18. Do you think that it is appropriate for operators to agree the mechanism for making financial provision with the regulator?

94 Responses

83% said yes

17% said no

One local authority thought that the type of mechanism should be linked to the scale of the operation. However, two disagreed and thought that it should be an operation wide system set out in guidance.

Five private businesses thought that it is reasonable for operators to agree a mechanism for making financial provision. They thought the precise mechanism should vary depending on the financial robustness of the operator. Four felt that the existing mechanism for landfill should be used and another that the mechanism should best suit the size and type of an operator. One thought that the mechanisms should be set out in guidance.

Two trade associations thought that this should be handled on a case by case basis. Another agreed, but only if the different mechanisms are set out in guidance. One specifically said that the same approach to financial provision in landfill should be used. Another thought that there should be flexibility to enable future development of alternative financial instruments. One disagreed because they felt there is a limited appetite in the financial market for financial provision mechanisms.

One private individual thought that the mechanisms should be same for all, as smaller companies would have less financial understanding and negotiating powers than larger companies. Two others agreed, but thought they should be able to choose from a framework of acceptable schemes.

Q19. Do you think it is beneficial for financial institutions to be involved in the holding and management of financial provision funds? What are the opportunities and risks?

86 Responses

71% said yes

29% said no

Local authorities agreed generally with the proposal. A concern was raised about the impact on innovation and suggestion that insurance might be an appropriate route.

Private businesses signalled broad agreement although some concern was raised about the loss of control of funds, in particular if a financial institution were to go out of business, and also the impact on businesses finances. There was general agreement that it should not be for the regulator to hold such funds.

The trade associations which responded to this question expressed concerns about the administrative costs of this option due to the fees charged by financial institutions for holding or managing funds. While professional bodies were in support of this they were keen that any institutions used would be appropriately regulated for example by the Financial Conduct Authority.

A concern was raised by a private individual about what would happen to the financial provision should the financial institution go bankrupt, but also about how accessible the provision would be should the site operator become bankrupt.

Q20. Do you think that alternative funding should be found to cover the costs of managing sites in the absence of the operator? How is this best achieved?

86 Responses

69% said yes

31% said no

A whole range of suggestions were put forward by private businesses including Landfill Tax revenues, a levy on waste transfers and the regulator themselves bearing the costs.

There was less support from trade associations than from private businesses, and more argument that the regulator or tax payer should bear the burden of costs. There was an

echo of some of the comments from businesses such as around free-riding, and also around ensuring access to the funds when problems arise.

Professional bodies and others felt that more work was needed in this area to develop options to enable proper consideration. There was broad support from private Individuals for the principle that the public purse should not pay.

Q21. Do you think that operators of landfill sites should report more frequently on current and projected works at their site and the state of their financial provision fund? Are there more effective ways of preventing shortfalls in funds for maintenance and aftercare?

76 Responses

71% said yes

29% said no

19 local authorities responded to this question, of which 17 said yes.

While there was a small majority of private businesses in support there was also a strong sense that any requirements should be dependent on the type of site. Other respondents to this question provided mixed responses but all conveyed a strong sense that any proposals should be based on the risk a particular site or operation poses.

Estimated costs and benefits of proposals Q22-27

Q22. Have you experienced an increase or a decrease in criminality and poor performance in the waste sector over the last few years? What are your expectations for the future if nothing is done to tackle the issue?

84 Responses

95% said an increase

5% said a decrease

Local Authorities who responded to this question were unanimous in experiencing an increase in criminality and poor performance in the waste sector. Examples included rogue waste carriers, unlicensed waste collection, disposal sites, dumping of litter and theft of materials. Some respondents also cited drivers such as companies flouting the regulations by passing ownership from one person to another, competition or reduced fees offered and poor resourcing of the regulators.

36 private businesses responded to this question, 32 of which had experienced an increase. There was broad agreement this will get worse and the performance of the waste sector will decline increasing the burden on the public purse and landowners. Respondents cited drivers such as the regulatory burden on legitimate business driving up prices, the abuse of exemptions affecting legitimate business and a rise in people trying to avoid the higher rate of landfill tax. A number of respondents thought that there may be a perception of an increase as a result of more action being taken to tackle it.

Private businesses were unique in being the only sector in which some respondents had experienced a decrease in criminality and poor performance in the waste sector. One

respondent said that while they were aware of poor performing licensed facilities they had noted an overall improvement in the waste industry.

The trade associations that responded to this question were unanimous in experiencing an increase in criminality and poor performance in the waste sector. One respondent pointed to the Environmental Services Association's (ESA's) 'Rethinking Waste Crime' report showing that despite the efforts of government, the regulators and the legitimate industry, the problem of waste crime is getting worse rather than better. The areas cited were waste carriers, fly tipping, the cost of compliance and overzealous regulation and new charges.

Professional bodies responding to the question felt that lighter touch regulation and increases in landfill tax are likely to have led to increases in criminality and poor performance. Respondents suggested there is evidence that the number of poorly performing sites and the number of sites operating without a permit is not reducing.

Many of the comments from private individuals focussed on lack of enforcement from the regulators as being responsible for the increase in criminality and poor performance that they have experienced.

Q23. Overall, how effective do you think Options 2 and 3, as described in the impact assessment, would be to tackle criminality and poor performance in the waste sector?

66 Responses

85% said Effective 15% said Ineffective

What is your preferred option?

60 Responses

80% said Option 2 20% said Option 3

Q24. Do you think that any of the proposals will impose additional costs on yourself or your organisation?

86 Responses

67% said yes

33% said no

A large minority of local authority respondents thought the proposals would impose additional costs, although one commented these would be minimal. One respondent expected additional costs to be passed on to customers. A small majority did not think the proposals would impose additional costs with one noting that costs have been maintained at sensible levels.

37 private businesses responded to this question of which 29 said yes. Hopes were expressed that lower risk, higher performing sites would incur lower costs. It was also thought that many of the requirements are business as usual for larger companies but that smaller companies may face increased costs in order to comply. Areas of concern were operator competence costs, costs of compliance, TCM requirements, financial provision costs, cost of new permit applications and an increase in record keeping and audit costs.

A majority of trade associations that responded to this question thought that in general the additional costs should not be too significant for legitimate, responsible operators, who may well consider the additional costs worth paying if they help to drive out criminals. However, others felt that operator competence costs, financial provision costs and regulator funding need to carefully address high-risk operators and sites, and not place unnecessary requirements on the vast majority of companies that are already operating in compliance with the legislation.

Private individuals and others that responded to this question were largely split. Concerns were primarily about small operators passing on increased costs and costs to the regulator from an increase in the number of illegal or abandoned sites. However, some felt the additional costs would be a price worth paying.

Q25. Do you think that the proposed analytical approach appropriately covers all potential costs and benefits that would arise from implementing the proposals?

64 Responses

48% said yes

52% said no

27 private businesses responded to this question, 12 said yes and 15 said no. Some of the accompanying supportive comments included a desire to see further consultation with industry to refine the detail. Of those that said no, a common theme was that the scope of some of the proposals was unclear and that hidden costs were inevitable. One respondent said the benefits had been overestimated and that they would only be realised through greater regulation of poor performers rather than targeting already compliant organisations. Others felt that the costs have been underestimated and should include costs such as internal audit, role profile adaptation, change management, upskilling of employees for capability and system updates to reflect learning events. They were also concerned that the average cost does not consider accreditation annual costs despite Gov.uk guidance expressing a specific desire for external verification and that the estimate appears to be based on small-medium business units.

A majority of trade associations that responded to this question said no. One of the accompanying comments suggested that contrary to Part A of the Impact Assessment regarding the absence of proof of increasing waste crime, the ESA has provided more than 1,100 examples of suspected illegal ELV operators. Another felt that the 'do nothing' scenario is not equivalent to 'no change' but will actually equate to a future decline in permitted operators and permitted operator compliance. Other concerns were that it was not clear if the assessments have adequately covered the cost of capital from having to meet some of these new obligations, that there may still be some hidden costs, and whether some of the financial proposals would apply to all regulated facilities and not just waste facilities.

Concerns from other sectors were that the benefits had been overestimated and the costs underestimated, particularly the cost to the regulator to effectively implement and support the changes. Another concern was expressed that ethical, moral, environmental

protection and environmental improvement benefits and opportunities were excluded and that tightening up legal compliance should not always come down to the financial bottom line.

Q26. Do you think that any of the costs and benefit covered in the impact assessment should not be accounted for in the costings?

50 Responses

34% said yes

66% said no

A number of comments were received from respondents who did not select either yes or no. Several private business respondents felt that until the final proposals are published along with the relevant guidance, it is difficult to determine the actual cost.

One trade association was concerned that some costs and benefits have been developed based on assumptions rather than clear analyses and therefore a mechanism for review should be built in. One professional body responded that the TCM measures are not a new burden on compliant sites and should already be there. Similarly, one private individual felt that the cost of operator obtaining technical competence should not be included since this is an existing provision in legislation and guidance that continued the requirements under waste management licensing. They also felt that the statement in the Impact Assessment that there is currently no legal requirement for a waste site to provide the name of their TCM to the regulator is misleading since the names should be made known to the regulator to determine whether it is satisfied that the operator is technically competent.

Q27. Do you have any evidence that would support the calculation of benefits or costs of the operator competence proposals to business?

Along with the missing costs highlighted in question 25, there was also concern that the average cost does not consider annual accreditation costs despite Gov.uk guidance expressing a specific desire for external verification and that the estimate appears to be based on small-medium business units.

A number of private individuals expressed concerns, including the cost of a financial competence report and who would be authorised to produce it. One respondent felt that the costs could be detrimental to the industry with potentially negative impacts on recycling performances and the number of start-up businesses. Another suggested the Environment Agency's legal and administrative costs associated with Financial Provision prior to the permitting review and establishment of the National Permitting Service could be used to estimate the costs associated with the current proposals.

Part B: Reforming waste exemptions

Part B sought views on options for changing the waste exemptions to prevent them being used to hide waste crime.

In England and Wales, there are 59 types of exempt waste operations available for the use (U), treatment (T), storage (S) and disposal (D) of waste. These are currently prescribed in Schedule 3 of the Environmental Permitting (England and Wales) Regulations 2016 (the EPRs¹).

Prohibiting the use of waste exemptions in specified circumstances Q28-35

Q28. Do you think the proposal to restrict registration of exemptions at permitted waste operations would help tackle illegal activity and stop waste operators expanding their activity without appropriate controls?

97 Responses

71% said yes

29% said no

A majority of local authority respondents supported this proposal. However, some expressed concern that this may penalise legitimate operators who might use exemptions temporarily or to trial a new way of working. One respondent considered that it should be much easier for compliant operators to amend their permit and much more difficult for repeatedly non-compliant operators to amend theirs. One respondent wanted to see an exception for U1 for landfill remediation and another thought that Household Waste Recycling Centres may require special consideration.

46 private businesses responded to this question of which 32 said yes. There were however a number of concerns. Some felt that the proposals would place significant additional restrictions and prevent minor activities and trials. There were also respondents that felt the proposals would result in permitted operators undertaking low risk activities under stricter controls than those operators undertaking exactly the same activity under just an exemption. A number of respondents wanted permit variations to be considerably cheaper and quicker to take account of this loss of operational flexibility. There was also a concern that the costs had not been considered in the Regulatory Impact Assessment (RIA) and the proposals should not be implemented without industry being able to respond to an updated RIA. A number of respondents felt that sites with no permits and only exemptions would need to be subject to increased enforcement if the proposals are to be beneficial.

¹ <http://www.legislation.gov.uk/ukxi/2016/1154/contents/made>

There was support among the majority of trade associations that responded to this question. However, many of the concerns expressed by private businesses were echoed, particularly that if exemptions are not enforced properly the proposals could disadvantage higher performing operators and provide further competitive advantage to non-compliant businesses.

A majority of professional bodies, private individuals, non-governmental organisations and other respondents supported these proposals. Many of the respondents felt that it was the use of exemptions on non-regulated sites that were the source of problem and that a lack of inspection activity on these sites was more of a cause for concern.

Q29. Do you think that exempt waste operations that have direct technical links with other activities carried out at an adjacent permitted waste site should be included in the adjacent operator's permit?

92 Responses

71% said yes

29% said no

A majority of local authorities thought the proposal would be beneficial. One respondent felt that if there are direct links then it makes sense to treat it as one activity under the single permit to reduce administrative burden and provide greater regulatory oversight. It was felt, however, that sites should be treated on a case by case basis.

There were mixed views put forward by private businesses many of whom wanted greater clarity on what is meant by 'direct technical links' and 'adjacent permitted waste site'. It was felt that without a clear definition of both it was not possible to determine the full impact of this proposal. It was also felt that a level of discretion should be applied to implementation and individual operator performance as they could pose an onerous and unreasonable burden for legitimate operators. Others felt that where a permitted site is using an exemption as a proxy for the main site these operations should be included within the main environmental permit, if technically linked it should be covered in the permitted activity under the permit. A number of comments expressed concern at increased costs; some operators would suffer while others would be fulfilling the same activity under a lighter touch regime.

Many of the same concerns regarding an unfair advantage and loss of flexibility for some operators were expressed by trade associations with a suggestion that this would have to be dealt with on a case by case basis. One respondent felt that where a direct technical link does not warrant the activity being regulated by a permit and is low risk it would be over burdensome to include it within the permitted activity. Further concern was expressed with regards the cost implications with an expectation that the government provides an updated RIA before proceeding.

Professional bodies, private individuals and non-governmental organisations expressed similar concerns. It was felt that if it is all one waste activity it should be permitted as such. However, permit variations should only be required for longer term changes so as to allow businesses to expand quickly without first incurring additional costs. One non-

governmental organisation thought it would be important for inspectors to have clear guidance on what constitutes a technical link to avoid inconsistencies.

Q30. Do you have further evidence on the current unlawful use of exemptions at permitted sites?

One example was put forward by a local authority. This was related to development of contaminated sites via the planning process, the use of "clean" material which transpires not to be clean and the unlawful processing of wastes.

Private business respondents provided a number of non-specific examples. A number of respondents pointed out that ESA's latest report contains numerous examples and that they had reported many examples to either the Environment Agency or HMRC. One respondent noted that the RIA does not provide evidence of the unlawful use of exemptions.

Trade associations that responded said that they had submitted detailed evidence on U16 and T23 exemptions and frequently report sites of concern where they believe a sufficient body of evidence exists. One respondent noted that neither the consultation nor the RIA provides evidence of the unlawful use of exemptions.

One professional body felt that the consultation itself offers little evidence that the unlawful use of exemptions at permitted sites is a problem.

Q31. Do you think that the proposals will impose specific costs or bring benefits on yourself or your organisation?

In the main local authorities did not think that it would impose costs on them and that overall it would bring benefits. One specific cost put forward was the potential for Household Waste Recycling Centres to need a bespoke permit to continue to accept tyres.

Many of the private businesses that responded to this question felt that the proposals would place administration and permit variation costs on them with very little benefit. They felt that it was unfair to increase the burden on environmentally responsible sites who use exemptions and that costs of permit variations should be minimised. Significant costs on the waste industry and WEEE sites were highlighted. Some felt that the RIA does not provide enough evidence and should be revised and consulted on. Although concerned about these costs, some recognised that the proposals do have benefits in terms of not having to spend time overseeing Duty of Care where both permits and exemptions are operated, reducing illegal operations, opportunities to increase recycling and societal benefits of better regulated waste operations and added barriers to criminality.

Trade association responses focussed on the additional costs that these proposals will bring to their members. They highlighted the impacts on WEEE sites, additional costs of applying for a permit or permit variation and complying with Fire Prevention Plans and that these additional costs might be prohibitive to the profitability of some sites.

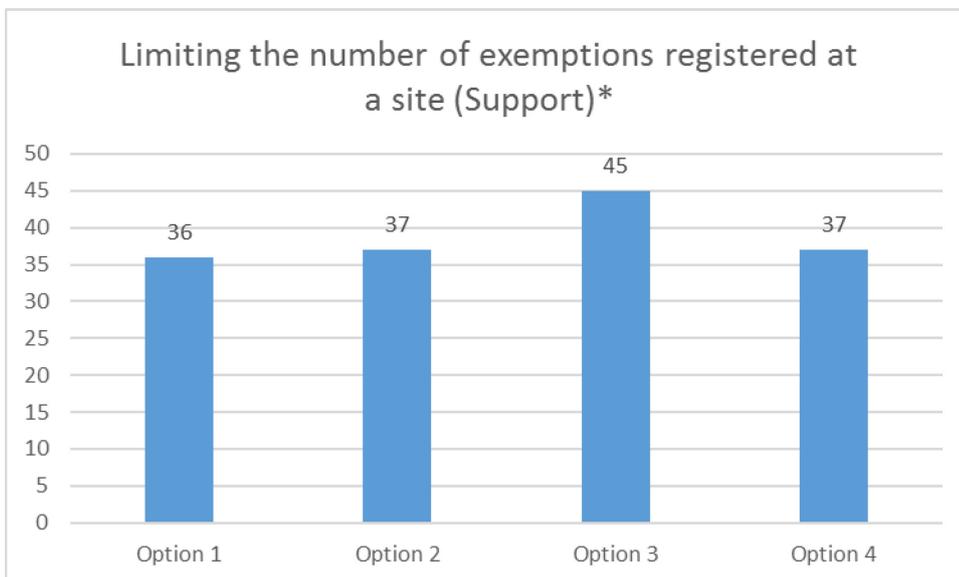
Limiting the number of exemptions registered at a site

There is no limit to the number of exemptions that can be registered at a single site. This means that an operator could register multiple exemptions for separate waste activities but actually use them to support a large scale operation that would be more properly regulated through a permit.

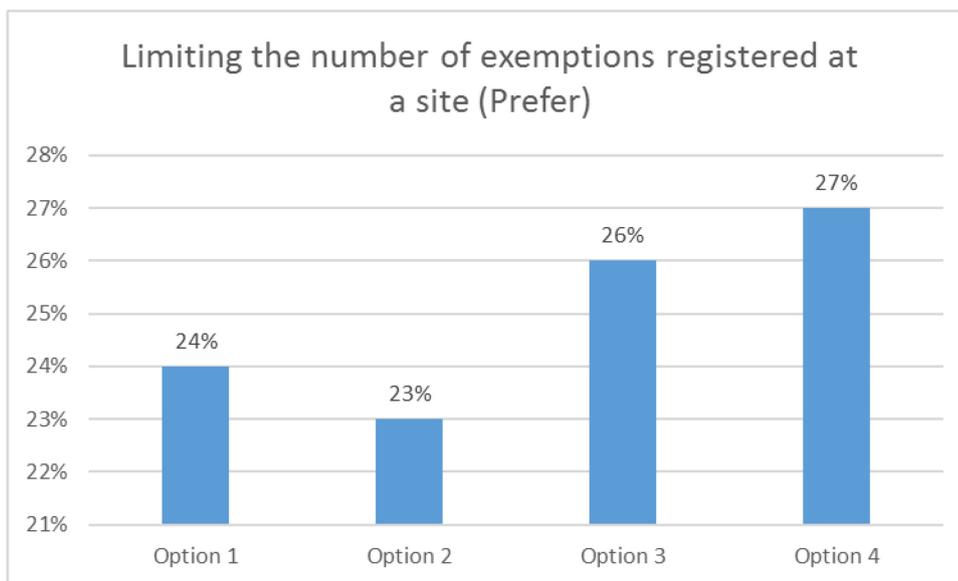
The consultation document considered four options for addressing these issues.

- Option 1: Clarify the regulations so that it is clearer that where more than one exemption is registered at a site, then the storage limit for each waste type is limited to the lowest limit set out in any one exemption. For example, registering an exemption allowing 50 cubic metres of wood to be stored together with another exemption allowing 60 cubic metres of wood to be stored would result in an overall storage limit of 50 cubic metres (and not $50 + 60 = 110$ cubic metres).
- Option 2: limit the total number of exemptions that can be registered at any non-agricultural waste site concurrently to three and at agricultural sites to 8.
- Option 3: Prohibit the registration of specified exemptions at the same site where their registration together is deemed to commonly provide a cover for illegal waste activities.
- Option 4: Any combination of Options 1, 2 and 3.

Q32. Overall which of the proposed options do you support and which do you prefer?



*Respondents were able to select as many options as were applicable



The online consultation did not offer comments but we received some via emailed returns.

Views from businesses included no support for any of the options due to concerns about the impacts on certain sectors, concerns about the impact assessment not providing enough evidence to make a choice and clarity on what exemptions would be restricted, and concerns that option 2 might be too restrictive for some businesses. Trade associations that offered views supported options 2 and 3 and felt that limiting the exemptions registered to three seems to address the issues. However they also felt that where exemptions were being used properly they should be allowed to continue and where they are being abused appropriate enforcement action should be taken. The National Farmers Union felt that the limit of 8 exemptions would be unsuitable for the nature of agricultural businesses due to the number of changes that may occur over the three year period.

Q33. Are there any particular exemptions that you think should not be registered at the same site under option 3?

One local authority cited scrap metal, car dismantling and skip hire. T6 & D7 were also cited as sensible although the respondent had no specific experience of these exemptions being registered together and causing issues.

Private businesses provided the following suggestions:

- S2 & T4 – larger quantities of waste storage made possible by aggregating.
- T4, T9, T11, T12, S1 and S2 - if registered together on one site would allow a non-permitted site to carry out waste management activities without the need for a permit.
- T6 and D7 should not be registered on the same site, nor should T8 and D7 this may encourage illegal burning of waste.
- S1 and S2 should not be registered together with any other exemption as this encourages over storage of waste.
- T4, T8, S1, S2, U16

- A detailed explanation as to how S2, T11 and T17 do not overlap when processing WEEE.

A trade association suggested T9 & U16 and also S1, S2, T4, T12 and a non-governmental organisation suggested all scrap metal, T9 T6, all waste wood exemptions and all inert waste exemptions (e.g. soil).

Q34. Do you have further evidence on the registration of multiple exemptions at single sites to hide unlawful activities?

The comments received to this question were mixed and no specific evidence was offered. A number of respondents thought that adequate evidence already exists and that the regulator was aware. A number of respondents did not have evidence or were not aware of specific instances of multiple registrations being used to hide unlawful activities, but they did believe the potential to be high.

Q35. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?

There were a number of local authority respondents that provided positive comments on the overall benefits of better regulation. One cited option 1 as having the potential to require their contractor to require a waste permit which would increase costs.

There were a lot of positive comments from private businesses welcoming a level playing field and suggesting that any additional costs would be outweighed by the benefits. The concerns that were expressed were focussed on additional costs under options 2 and 3 for sites that are currently operating under multiple waste exemptions. There were also concerns about the amount of regulatory resource that would be required to investigate businesses that are currently compliant.

Many responses from trade associations echoed those of private businesses and were supportive of the proposals because of the benefits they would bring to legitimate operators. Specific concerns were raised regarding options 1 and 2 and their potential to effect the WEEE sector. Another concern was raised in regard to lack of enforcement by regulators.

Exemption U1 - Use of waste in construction Q36-41

We proposed the following options for exemption U1:

- Option 1: Keep the exemption with no changes to its conditions
- Option 2: Change the exemption, amend its conditions – see Annex 2 (Part 2)
- Option 3: Remove the exemption and require activities it covers to be carried out under a permit

Note that Option 2 restricts waste types and activities in relation to specific construction activities rather than specifying an overall limit for the exemption (see Annex 2 for further information).

Q36. Do you have further evidence on the current unlawful use of this exemption?

There was no specific evidence offered by private businesses. It was felt that U1 is open to abuse regarding tonnage being used and classification of waste material being used and that there should be plenty of evidence held by the Environment Agency and within ESA case studies. Another respondent suggested that the U1 exemption is commonly abused in the construction of golf courses especially in the south east of England.

Concern was expressed by a non-governmental organisation that U1 exemptions are almost never inspected and this can sometimes lead to between 10 and 100 times the exempt limit being deposited. One professional body felt that there was very little evidence to support the assertion that the U1 exemption is frequently abused and that the case studies demonstrate that the regulator has the powers to intervene on these matters.

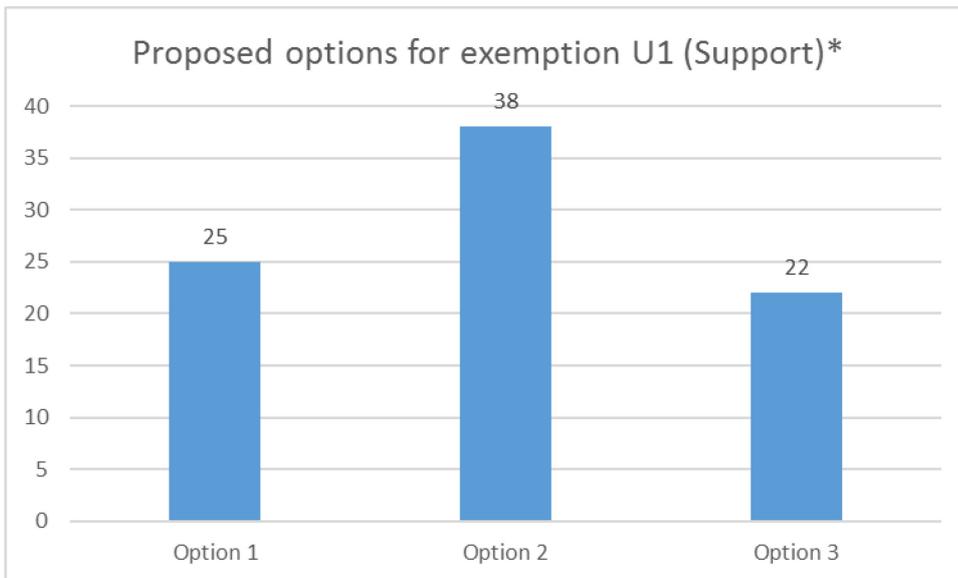
Q37. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?

A small number of comments from local authorities expected benefits for their organisations while one expected additional costs for preparation and planning.

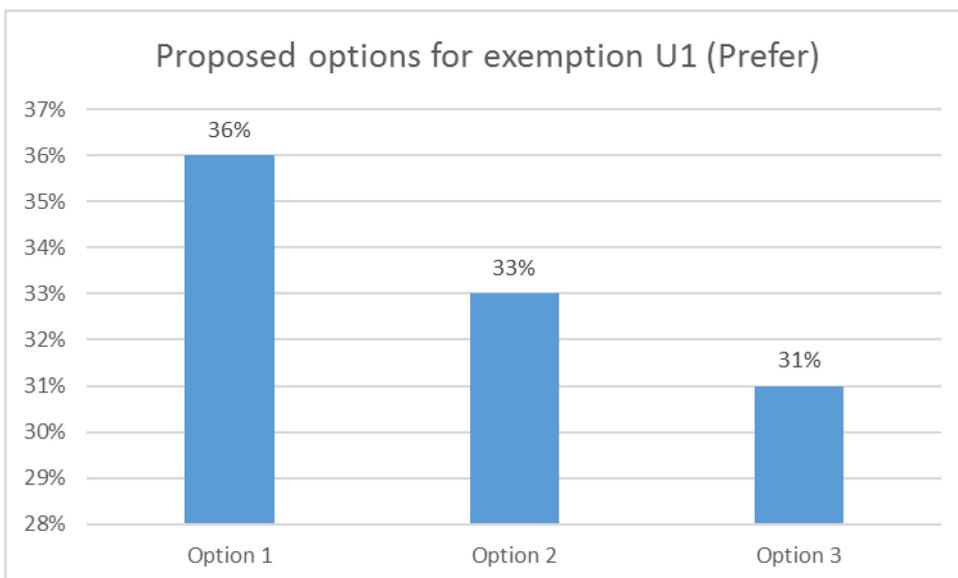
One private business respondent felt that option 2 would provide benefits given that it allows the use of greater quantities of waste but for highly specific activities. They did however believe that the usefulness of U1 exemptions will be severely limited by the revised specified uses and restrictions which may hamper support of a circular economy. Three respondents thought that option 3 would impose specific costs for obtaining permits and further development of technical competent persons. One respondent was content as long as there was a level playing field. One expressed concern that option 3 would significantly impact the reuse of low risk material at the site where it was produced and another called for an exception for the use of exemption U1 for landfill remediation.

Trade association responses echoed many of those of private businesses. It was again felt that option 2 would provide benefits in that it allows the use of greater quantities of waste but for highly specific activities but that this might hamper support of a circular economy. There was also concern about how the proposals might impact linear work for example on the highway network. Three respondents expressed concern that the proposals are at odds with incentives to manage waste as a resource and that more support should be provided to encourage the reuse of secondary products outside of the permitting regime. It was felt the proposals would undermine operators that have made significant investments in this regard.

Q38. Which of the proposed options for exemption U1 do you support and which do you prefer?



*Respondents were able to select as many options as were applicable



The online consultation did not offer comments but we received some via emailed returns.

One private business stated that they agree with the overarching principles within the consultation document and expressed concern that options 2 and 3 for U1 risk undermining those overarching principles. A trade association clarified that they would only support option 1 for the U1 exemption since the last review of exemptions already significantly reduced its scope. They felt that any further reduction in limits or bringing it within the permitting regime would not be sustainable or in line with waste policy. A professional body preferred option 2 but commented that option 3 had merit in that it would ensure that the regulators had funding for inspections.

Q39. Under Option 2 do you think the U1 exemption should allow any additional types of construction activities beyond those listed in Annex 2? If so please describe the activities together with the waste types and quantities needed.

The following suggestions were received:

- Continued use of U1 for ground works.
- Request that EWC code 19 12 09 has a description which include blast furnace slag and river gravels to allow the continued use of such materials to improve operational sites. Suggested quantity would be a limit of 2,000m³.
- The use of soil & stones, including sub base for roads and clean aggregate, under EWC code 17 05 04 should be considered for creation or maintenance of tracks, footpaths or bridleways with the restrictions as outlined in Table A (page 64) and a quantity limit of 500 tonnes.
- Inclusion of soils for small scale landscaping, piling mats, scaffold bases, acoustic and visual bunds approved via planning, and ground levelling to a specified design.
- Engineered backfill to structures or making excavations safe. In order to re-use relatively small quantities of soil for favoured purposes such as “landscaping” and “backfill to structures” or “making areas safe” the CL:AIRE Code of Practice will need to be used further or it may result in diverting potentially suitable materials to landfill.
- The exemption should allow any type of construction activity, the waste type should be appropriate to the activity and the quantities can be set at an appropriate level.
- All specified uses A-G are of value to the agriculture sector and should be retained.

Q40. Under Option 2 do you think the quantities of waste allowed for each specified construction activity are appropriate?

47 Responses

53% said yes

47% said no

A number of private business responses felt that the quantities will limit the benefits of re-using waste, limit flexibility, that they should be site specific and that limits could be raised based on risk. One specific comment suggested that:

“Use of clean hard-core, waste minerals, road planings and other specified wastes to construct and maintain surfaces and barriers’ listed in Table A Specified uses and restrictions: Uses H & I would be inappropriate, as they limit storage to a maximum of 100 m³ (~125 tonnes) of waste in total at any one time pending use. This is a significant departure from the current U1 requirements and one we would not support.”

The trade associations that responded to this question generally thought that the quantities were too restrictive and would drive illegal activity. One respondent suggest that material should not be restricted if justification and suitable evidence renders the material fit for its intended purpose.

Q41. Under Option 2 are the waste types listed sufficient to carry out each specified waste activity?

The following suggestions were received:

- Manufactured topsoil is currently lacking a decent description and falling under 191212 should be allowed in U1.
- The new U1 exemption could be amended to allow the use of treated asphalt waste containing coal tar (or 17 03 01* bituminous mixtures containing coal tar). Regulatory position statement 075 'The movement and use of treated asphalt waste containing coal tar' states that this position would be reviewed by the Environment Agency in June 2016 by which time they would have reviewed the suitability of this RPS to be used as the basis for a new waste exemption.
- Include backfilling of excavations.
- That the broad description of code 191209 is increased to include river gravels and blast furnace slag.
- The re-wording of 19 12 09 minerals (for example sand and stones) only. The current wording: Restricted to wastes from treatment of waste aggregates that are otherwise naturally occurring minerals implies that you can only use waste aggregate extracted or sorted from naturally occurring minerals. Once minerals have been extracted and used they are no longer naturally occurring and this wording then implies that such minerals can never then be used under a U1 exemption. If it is the intention that you can only use screened quarry waste then this wording is adequate but such wording would clearly be wrong, as we should be promoting the recovery of aggregate from a wider range of waste streams.
- The restriction on the use of certain types of dredgings (17 05 06) for uses A & E is unnecessary; non sand and gravel sediments have their uses in these activities as soft edging to the tracks and as cover material on the barriers.
- 101314 should also be included.

Exemption U16: Use of depolluted end-of-life vehicles for vehicle parts Q42-44

Given the level of illegal activities occurring under this exemption and the fact that no compliant site was found during the campaign, we do not consider that making amendments to the U16 exemption would deter waste crime. On this basis, our proposals for exemption U16 were:

- Option 1: Keep the exemption with no changes to its conditions
- Option 2: Remove the exemption and require activities it covers to be carried out under a permit

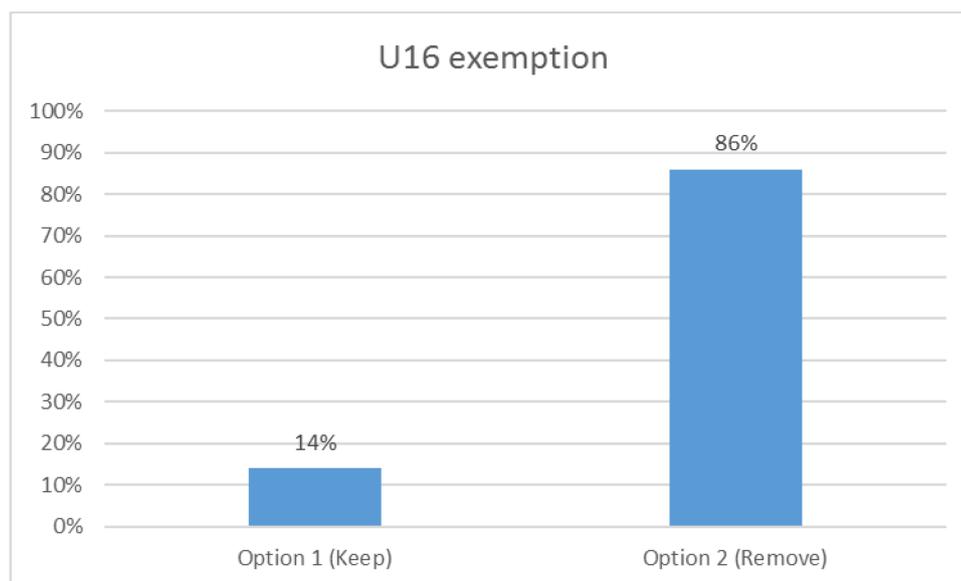
Q42. Do you have further evidence on the current unlawful use of this exemption?

There was a very strong message from private businesses that an abundance of easily accessible evidence of the unlawful use of this exemption is available online or has been passed to the regulators already. Many respondents wished to emphasise the negative impact of this illegal activity on their legitimate businesses.

Q43. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?

Responses were unanimous in believing that the removal of the exemption would be beneficial to legitimate businesses. Many respondents however felt that the benefits would not be realised if the measures were not accompanied with effective enforcement of those operators who do not move to the permitting regime. A number of respondents also wanted to see active enforcement of illegal operators using online platforms to sell parts.

Q44. Which of the proposed options for exemption U16 do you support?



Exemption T4: Preparatory treatments Q45-47

We proposed the following options for exemption T4:

- Option 1: Keep the exemption with no changes to its conditions
- Option 2: Change the exemption, amend its conditions – see Annex 3 (Part 2)
- Option 3: Remove the exemption and require activities it covers to be carried out under a permit

Q45. Do you have further evidence on the current unlawful use of this exemption?

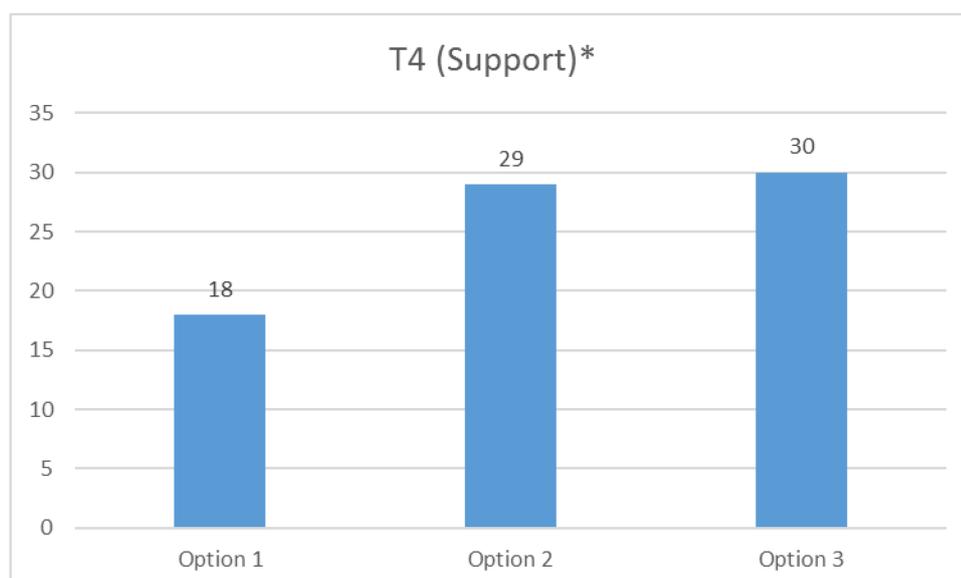
There was no specific evidence of the unlawful use of this exemption offered. One respondent felt that the large storage and throughput quantities of this exemption leads to illegal activity. Another suggested that the Environment Agency will be in possession of a large amount of anecdotal evidence of unlawful use.

Q46. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?

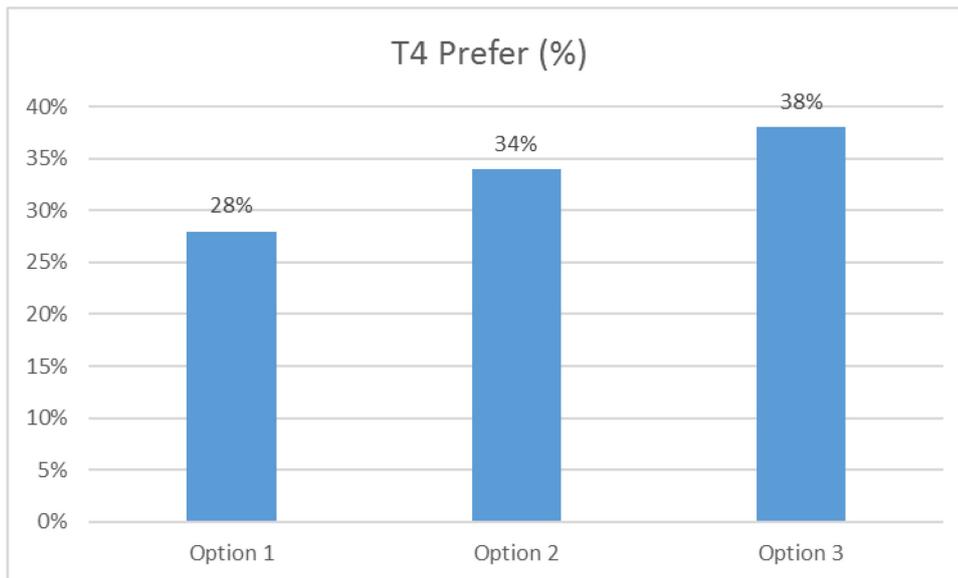
Many of the private business respondents were confident that options 2 and 3 would bring benefits to legitimate operators. Some thought this would not result in any increased costs, some thought that the increased costs would be offset by the benefits and one respondent felt that the proposals would result in a huge increase in costs if the volumes were limited as suggested. One respondent thought that the requirement for a Fire Prevention Plan could cost between £250,000 and £500,000 per site, which may result in the closure of the site businesses, a reduction in competition and potentially a reduction in collection and processing capacity for recycled paper in UK.

One trade association believed the proposed limits were too restrictive under option 2 and would result in many clothing collectors needing to operate under a permit and incur the associated costs. Another respondent believed that a new permit would trigger a requirement for a Fire Prevention Plan and potential knock on costs reaching a six figure sum. One trade association felt that the compliance figures do not provide justification for removing this exemption and that amendments would be beneficial to eradicate low level offending, as would early intervention.

Q47. Which of the proposed options for T4 do you support and which do you prefer?



*Respondents were able to select as many options as were applicable



Exemption T6: treating waste wood and waste plant matter Q48-50

We proposed the following options for exemption T6:

- Option 1: Keep the exemption with no changes to its conditions
- Option 2: Change the exemption, amend its conditions – see Annex 4 (Part 2)
- Option 3: Remove the exemption and require activities it covers to be carried out under a permit

Q48. Do you have further evidence on the current unlawful use of this exemption?

There was no specific evidence of the unlawful use of this exemption offered. One private business suggested that much of the illegal activity surrounds larger scale processing of non-virgin timber and that this could be dealt with under a separate exemption.

One trade association stated that whilst they have no evidence of this they have heard that some operators do use this exemption to perform illegal activity.

There were three other comments stating that this exemption needs effective regulation to reduce illegal activity which gives rise to environmental risks, such as creating fire hazards by mixing materials and storing more than permitted.

Q49. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?

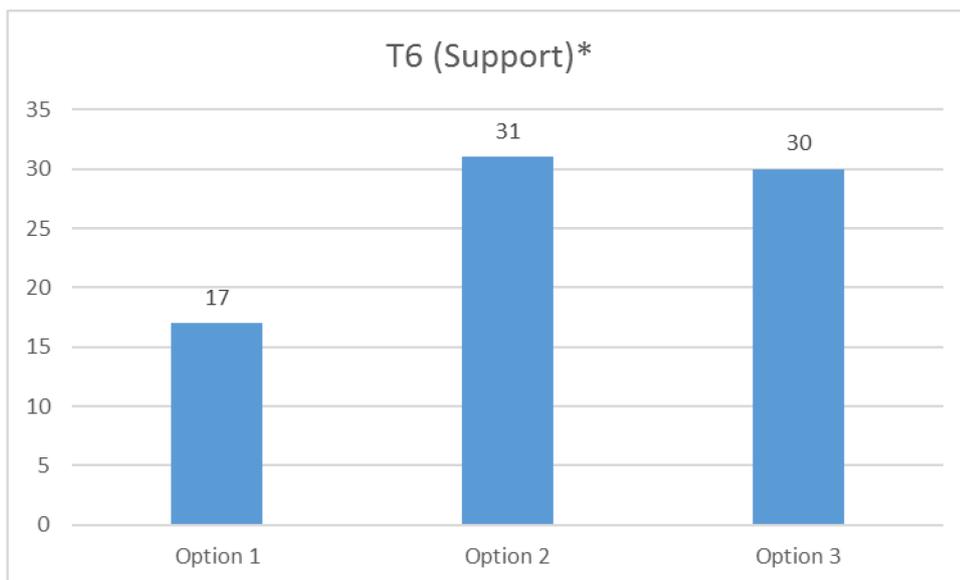
One local authority felt there would be no further costs and the proposals would mean site compliance across the country would improve.

Several private business respondents felt costs would increase. A number of respondents raised concerns over the proposed limits and the impact they would have on their businesses; one stated that the proposed amendments would add a significant cost and create logistical problems of removing materials to a location where works can be carried out. Another thought that these proposals, particularly Option 3, would lead to an increase in fly-tipping suggesting this potential issue will need to be considered.

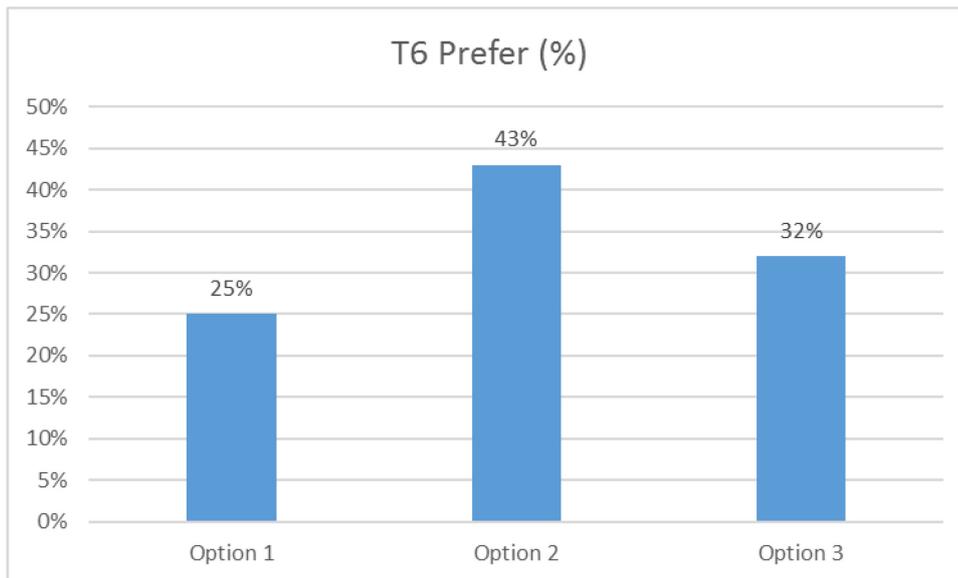
Several trade associations highlighted the need for the wording of exemptions to be extremely clear and not open to misinterpretation and misuse. One trade association offered strong support for option 2 but thought that the proposed 26000 tonnes of waste to be treated per year financially undermines permitted sites that carry out the same kinds of activity.

One private individual suggested that there could be costs incurred by local authorities which send waste wood to T6 sites from their Household Waste Recycling Centres.

Q50. Which of the proposed options from exemption T6 do you support and which do you prefer?



*Respondents were able to select as many options as were applicable



Exemption T8: mechanical treatment of end-of-life tyres Q51-53

We proposed the following options for exemption T8:

- Option 1: Keep the exemption with no changes to its conditions
- Option 2: Change the exemption, amend its conditions – see Annex 5 (Part 2)
- Option 3: Remove the exemption and require activities it covers to be carried out under a permit

The proposals would not affect those that produce and only store waste tyres as part of their business (e.g. tyre fitters, garages, roadside recovery operators). Storing tyres prior to collection at their own premises is covered by NTFD exemptions.

Q51. Do you have further evidence on the current unlawful use of this exemption?

Local authority responses were focused on ideas to prevent current unlawful use of the exemption including addressing current under-enforcement, speed of enforcement and a suggestion the householder duty of care FPN should apply to all other duty of care offences in the commercial sector as quick alternative to s.33 EPA1990 offence.

Of the comments from private businesses, two pointed out the existing body of evidence in the abuse of exemptions in the case of tyres was overwhelming and compelling. Another offered their response to the September 2015 call for evidence including 2 case studies involving exempt sites storing tyres far in excess of their limits for export to India. The respondent said that the situation has intensified since and estimate 50 exempt sites operating illegally beyond storage limits, information which they regularly provide to the Environment Agency.

One professional body considered that the case study demonstrated that the Environment Agency already has sufficient powers to deal with abuse of the exemption.

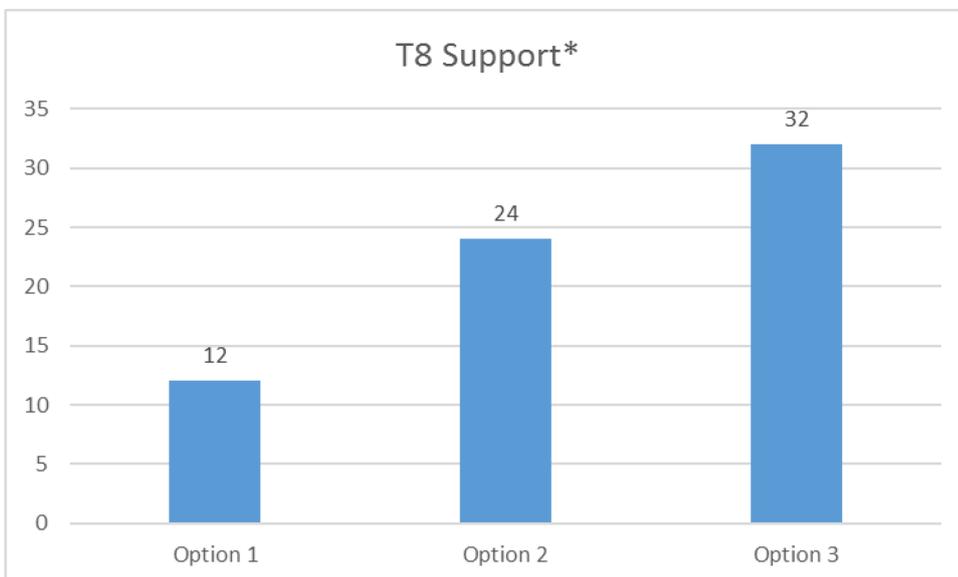
Q52. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?

Four comments were received from local authorities which agreed that there would be benefits to compliance at no additional cost.

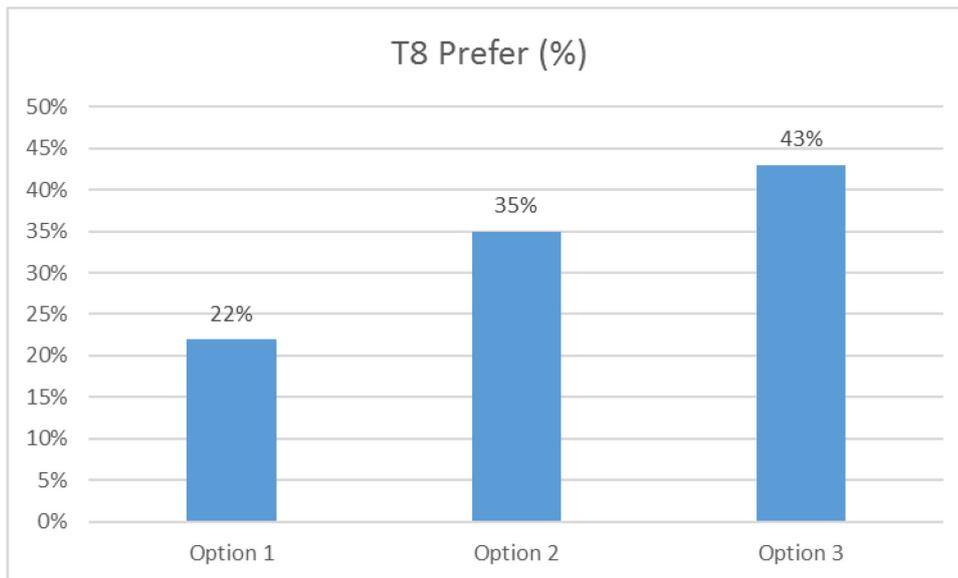
A number of private businesses thought that option 3 would assist in reducing rogue activity and help legitimate operators. One large operator outlined the current situation and the differences in cost between a permitted site and an exempt site suggesting an additional operating cost of around £100,000 per year for a typical permitted site processing around 20,000 tonnes of used car tyres per year. They added that on top of operating costs a permitted site would incur significant additional capital costs to comply with environmental permit requirements and that this disparity would continue in the case of Options 1 and 2. Another comment added that the costs would not reduce under Option 3 but would be fairly applied to all operators, not just some.

Trade associations that responded to this question supported Option 3 and listed the benefits of a reduction of rogue activity and help for legitimate operators.

Q53. Which of the proposed options for exemption T8 do you support and which do you prefer?



*Respondents were able to select as many options as were applicable



Exemption T9: recovery of scrap metal Q54-56

We proposed the following options for exemption T9:

- Option 1: Keep the exemption with no changes to its conditions
- Option 2: Change the exemption, amend its conditions – see Annex 6 (Part 2)
- Option 3: Remove the exemption and require activities it covers to be carried out under a permit.

Q54. Do you have further evidence on the current unlawful use of this exemption?

This question did not receive a high level of responses with many respondents stating that they either had no evidence or no specific examples other than general fly tipping of this type of waste material.

One trade association responded to say that it was aware of many instances where T9 sites have been accepting un-depolluted end-of-life vehicles. They felt that generally there is no control over these operators and therefore amending the conditions will not change their behaviour. Another organisation said that T9 sites have been found to have accepted metal containing wastes from material recycling facilities leading to subsequent problems with flies, odour and drainage, and the potential for pollution.

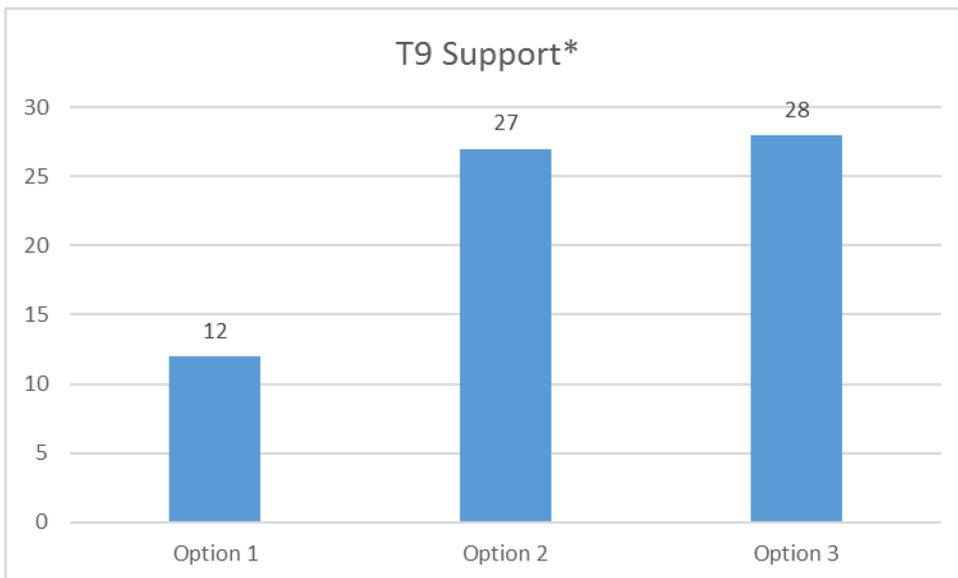
Q55. Do you think that any of the options will impose specific costs of bring benefits on yourself or your organisation?

Responses from private businesses were split on this question. Several respondents thought there would be no significant costs and that the amendment or removal of this exemption would provide benefits to compliant, competent operators. There was also a response which agreed with the proposals to limit the total volume of waste that can be accepted to 500 tonnes per year, and to the proposed storage time limits and conditions.

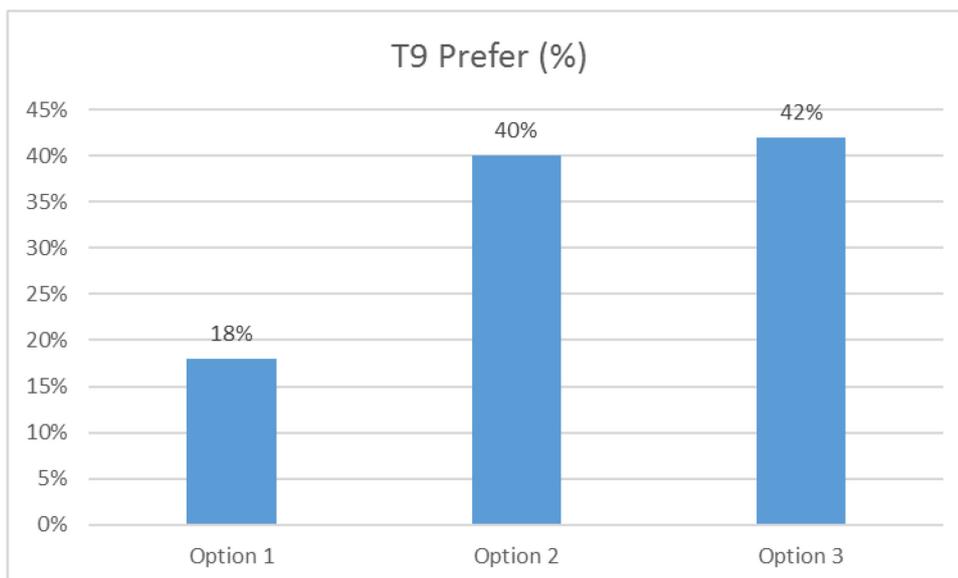
However, others felt there would be increased costs and that the proposed changes would make it more difficult for regulated and permitted sites to be competitive in the market. One respondent thought that options 2 and 3 would bring specific costs in particular by reducing the number of operators which can be used for certain activities and that the impacts of any changes which are implemented under Part A of this consultation should also be taken into consideration.

The general theme from trade associations and professional bodies was that the high amount of illegal activity regarding the exemption is having a detrimental impact on permitted operators and if this was better controlled and regulated it would bring many benefits to both the sector and to legitimate operators. One respondent disagreed with the proposal to change the exemption rather than remove it and felt that ELVs & high value ELV derived items, often purchased by T9 operators, should be specifically excluded from T9 allowed wastes but that T9 should be retained. One respondent thought that option 2 would restrict volumes so greatly as to make operations economically unviable for many smaller metal recyclers. They also felt that while option 3 would make illegal operators more visible it would be important that the cost of coming under the EPRs is not overly onerous and a proportionate approach should be taken to associated site-based requirements. Another felt that restricting illegal operators would discourage other criminal behaviour such as metal theft.

Q56. Which of the proposed options for exemption T9 do you support and which do you prefer?



*Respondents were able to select as many options as were applicable



Exemption T12: Manual treatment of waste Q57-59

We proposed the following options for exemption T12:

- Option 1: Keep the exemption with no changes to its conditions
- Option 2: Change the exemption, amend its conditions – see Annex 7 (Part 2)
- Option 3: Remove the exemption and require activities it covers to be carried out under a permit

Q57. Do you have further evidence on the current unlawful use of this exemption?

This question attracted a small number of responses.

A private individual said that the limits for the storage of scrap metal were a compromise so as not to require small scrap metal operators to require a permit. They suggested that a small-scale exemption for the storage of scrap metal at a site other than a site adapted to operate as a scrap metal dealer was needed to allow other organisations to separate out scrap metal for recovery elsewhere. Another supported a separate exemption for the storage and treatment of mattresses.

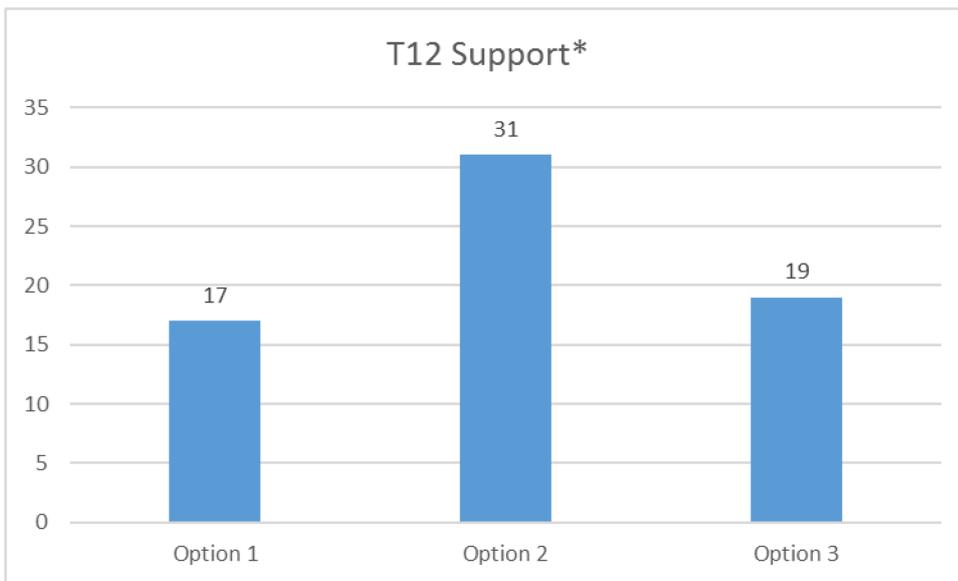
Q58. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?

A private business respondent felt that options 2 and 3 would impose specific costs and in particular they wished to see a continuation of the current limits relating to the sorting, repairing or repurposing of stone, bricks and wood. Another thought that options 2 and 3 would bring specific costs by reducing the number of operators which can be used for certain activities. One thought they would not be directly affected and that option 2 would provide benefits to compliant competent operators and another thought it was the lack of

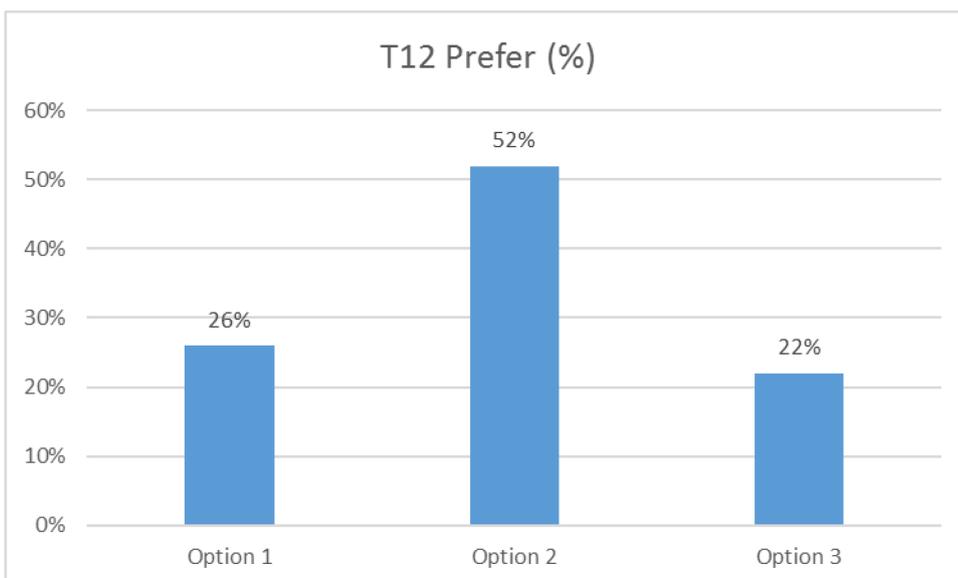
enforcement of exemptions that makes it more difficult for regulated and permitted sites to be competitive in the market.

One trade association noted that waste 16 01 06 appears to be allowed under T12 and that care should be taken to ensure that this exemption does not facilitate a continuation of the illegal dismantling of motorbikes contradicting what is trying to be achieved with U16. Another thought that the case study shows that early intervention and appropriate enforcement action would have saved the regulator significant time and cost.

Q59. Which of the proposed options for exemption T12 do you support and which do you prefer?



*Respondents were able to select as many options as were applicable



Exemption D7: Burning waste in the open Q60-62

The proposal recognised the practical and economic need for this exemption for specified wastes, particularly in rural areas that are distant from waste recycling sites. We therefore only proposed options 1 and 2 for exemption D7:

- Option 1: Keep the exemption with no changes to its conditions
- Option 2: Change the exemption, amend its conditions – see Annex 8 (Part 2)

Q60. Do you have further evidence on the current unlawful use of this exemption?

This question did not receive many comments. Two local authority respondents expressed concern that this exemption is regularly abused to burn the wrong type of material with little care for the principles behind the exemption or consideration of environmental impacts. Other concerns expressed were that the Environment Agency issues these exemptions too easily and that the burning of waste is contrary to Defra's aims and objectives under EU air quality regulations to reduce PM10 emissions.

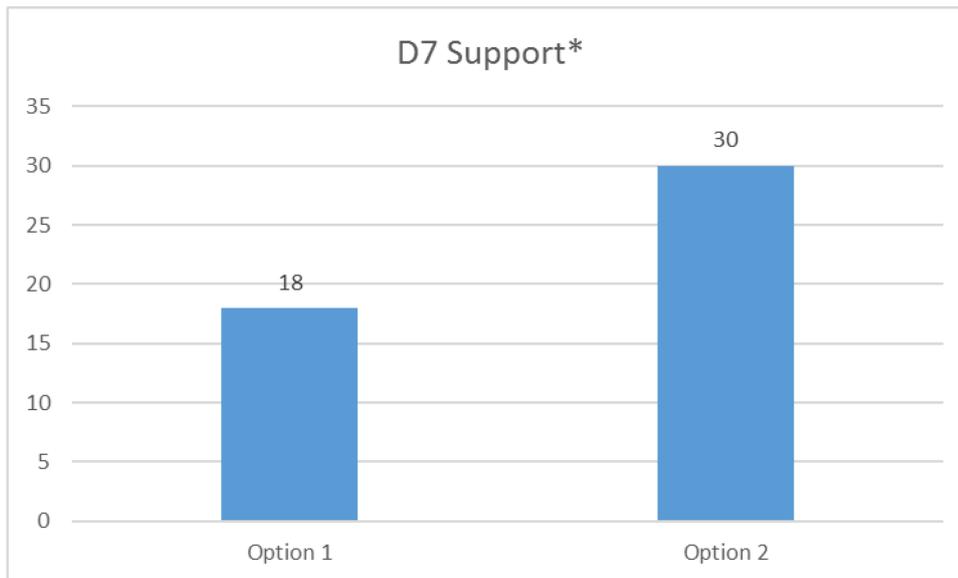
Q61. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?

One private business noted the importance of pragmatism on the setting of volumes, and that the proposed limits need to be further developed with industry. One respondent felt the requirement to register this exemption should be removed for some low key activities. Another supported the general principle that exemptions should be for low risk activities and the amendment of this exemption will provide benefits to compliant competent operators, though did not themselves use the exemption.

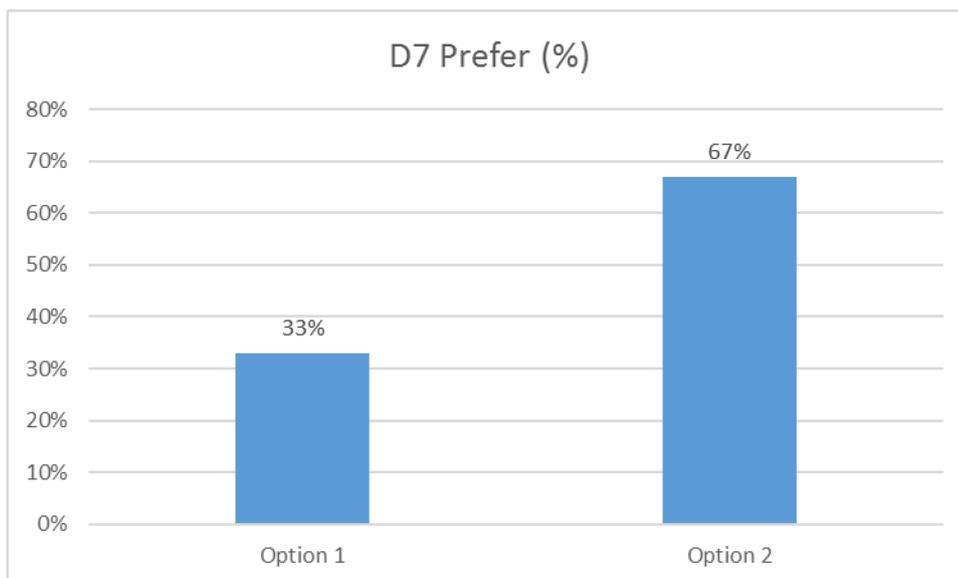
Two trade association responses expressed concern about the change to volumes and the shortening of the maximum waste storage period regarding the cost of appropriately burning on site diseased or non-native plant material. One respondent believed the proposed changes could be beneficial but wanted to see accompanying guidance. One comment pointed out the benefits of the legitimate use of the exemption to effective land management while another noted its links to air quality and global warming.

One professional body felt there would be both costs and benefits while another noted the case for reducing the risks associated with this exemption but felt that “any associated sawdust and chippings” should be added at the end of the specific descriptor for waste types for clarity. A non-governmental organisation responded that refinements to the proposal would be needed to address the fact that there would be certain habitats and locations where it would not be possible or appropriate to burn at the place where the material was cut.

Q62. Which of the proposed options for exemption D7 do you support and which do you prefer?



*Respondents were able to select as many options as were applicable



Exemptions S1: Storage in secure containers and Exemption S2: Storage in a secure place Q63-66

We recognise the practical and economic need for these exemptions to allow for gathering and bulking wastes together for onward transport for recovery. By reducing the limits and having stricter controls on waste types, quantities and storage conditions, such activities are expected to be low risk as well as beneficial for resource recovery. We are therefore only proposing options 1 and 2 for the exemptions S1 and S2.

- Option 1: Keep the exemption with no changes to its conditions
- Option 2: Change the exemption, amend its conditions – see Annex 9 (Part 2)

Q63. Do you have further evidence on the current unlawful use of this exemption?

Three businesses suggested the S1 and S2 exemptions have been registered inappropriately with other exemptions to undertake waste operations that they considered should be permitted. One businesses pointed to instances where they considered that storage limits for exemptions S1 and S2 had been breached.

One trade body questioned the use of 'illegitimately' regarding the use of S exemptions to increase storage capacity in combination with T exemptions or a permit when it is not apparent that do so is in fact illegal. They proposed addressing this by making clear that exemptions cannot be used in an additive fashion.

13 businesses and trade bodies in the WEEE recycling sector highlighted that they do not have any evidence of illegal use of the S1 and S2 exemptions within their sector. Several of these businesses also pointed out that combining S1 or S2 exemptions with T exemptions used for WEEE recycling does not increase storage limits (T11 for example has a treatment limit but no storage limit).

More broadly, one trade association and one company suggested more could be done to raise awareness of and signpost the availability of NWFD exemptions for waste producers. In some specified circumstances the existence of NWFD exemptions (which don't need to be registered) mean that waste producers do not need to register exemptions for waste stored at the point of production.

Two companies, one local authority and two trade associations pointed out that the S2 exemption is useful for acceptance of small incidental amounts of single stream recyclables that fall outside the range of wastes permitted at a site.

Q64. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?

Responses were evenly split between those who thought that amending the S1 and S2 exemptions would benefit or have no specific impact on their organisation, and those that thought it would impose a cost. Some respondents identified a mix of costs and benefits and flagged that the balance would depend on the final detail of any amendments to S1 and S2.

Businesses and local authorities who pointed to benefits of raised standards of compliance and reduced risk of illegal activities.

Businesses and local authorities that highlighted costs pointed to specific changes to conditions in the amended exemptions that would impose costs. Several raised concerns that some of the proposed constraints to time and storage limits would increase costs of collection of particular waste streams, including those subject to separate collection or those covered by recycling and return schemes. As an example respondents from the WEEE sector highlighted that the storage and time limits proposed under the new S5

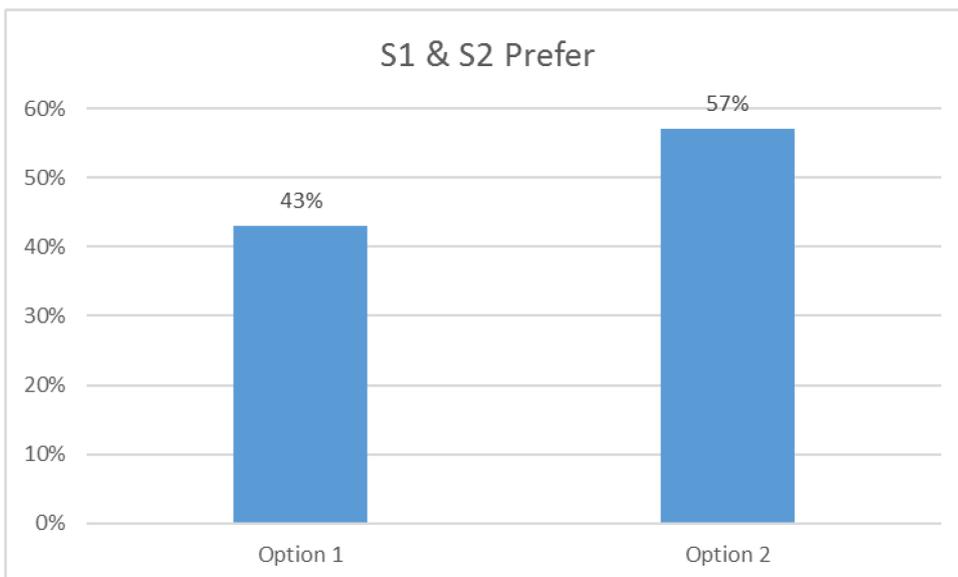
exemption would materially increase costs to the sector and proposed banded time limits for different quantities of stored waste. Similar concerns and some suggestions for addressing them were raised in relation to increased costs of collection for bulky items (telegraph poles, mattresses), paper and cardboard and other recyclables collected from shopping centres, and waste collected from public events.

Several respondents echoed responses to Q63 with regard to the need to provide for some single stream wastes (such as tyres) in existing standard rules permits if the S exemptions are amended as proposed. Two companies and a consultancy suggest adding waste codes that cover gas pressure vessels to the new S2 with specific conditions.

Q65. Which of the proposed options for exemptions S1 and S2 do you support and which do you prefer?



*Respondents were able to select as many options as were applicable.



Q66. Do you think the proposal to split the existing S1 and S2 exemptions into six new exemptions as set out under Annex 9 would help clarify what the exemptions are for and make the conditions clearer?

65 Responses

80% said yes

20% said no

A number of business respondents thought that the clarity of this proposal would make it easier to identify the correct exemption but some also suggested it could be confusing to have this number of options and some operators will need to register more exemptions on the same site. Two respondents thought that the limits were too low and would penalise a genuine operator while unscrupulous operator continue to act illegally. Concern was expressed that sites such as utilities, rail and highways maintenance depots might be pushed into needing permits despite producing low risk and throughput wastes.

A number of trade associations and professional bodies agreed that the split would aid clarity. Two professional bodies thought that some operators may be tempted to apply for several storage exemptions at the same site to enable a broader range of storage to occur.

We received a number of comments specific to the detailed changes that we proposed under Option 2 in Annex 9:

- New S1 – for oils and similar wastes in secure containers
 - CFC and paints storage limit exceeds general condition limit of 3 months
 - 5m³ limit for CFCs difficult to enforce as they have a range of densities and are stored in drums measured in weight
- New S2 – for commonly collected recyclables for recovery elsewhere
 - 500 tonnes annual limit very low
 - 1000 tonne limit for plastic and 3000 tonne limit for cardboard
 - No more than 50 plastic bales to be stored on site at any one time which would equate to 100 tonnes
 - Definition of carton needed
 - Approval of storage limits for paper and cardboard
 - Approval of removal of tyres
 - Glass storage limit of 40m³ may be problematic where glass is colour separated
- New S4 for wastes at dockside prior to import/export
 - More specific quantity needed for the two reference to the storage of waste in bags or drums
 - 1500m³ of scrap metal unlikely to be physically or economically viable in the context of required ship cargo sizes
- New S5 for solid hazardous wastes
 - Title includes “bulking” but this is not listed in the treatments column
 - Should have a General Condition of “each waste must be stored separately”
 - Approval of clarity of the storage conditions for WEEE
 - Approval of deletion of the two “99” codes
 - Unclear why there is such a disparity between storage volumes for scrap metal and large household appliances
 - Should retain EWC codes for synthetic gypsum and pulverised fly ash included in S2. No storage limits provided stored in silos for less than 12 months

- Should include EWC codes for kiln dusts. No storage limits provided stored in silos for less than 12 months
- Include Haz waste roadstone containing coal tar. Significant quantities produced from temporary activity of road re-surfacing - suggest 2000 tonnes
- New S6 for other non-hazardous wastes
 - Title includes “bulking” but this is not listed in the treatments column
 - EWC code 20 01 28 should be included to allow bulking up of aqueous paints from householders
 - Two rows should be inserted to reflect incoming requirements of the WEEE directive in regards to toner cartridges
 - Storage exemption required for a small quantity of mattresses collected as part of re-use activities
- New S7 for construction wastes
 - Title should be tighter e.g. “Temporary interim storage of waste from construction pending its use on site or at another construction site”

Requiring additional information to support effective regulation Q67-70

Q67. Do you think it is beneficial for financial institutions to be involved in the holding and management of financial provision funds? What are the opportunities and risks?

81 Responses

94% said yes

6% said no

There was strong support expressed across all sectors that responded to this question.

While local authorities were in favour of this proposal they were clear that any requirement would only be useful if it were adequately enforced. A large number of private businesses supported this proposal, although many raised concerns about this being potentially overly bureaucratic. In line with businesses, trade associations offered general support along with concerns about bureaucracy. There were also some thoughts that this would anyway be covered under duty of care requirements. Professional bodies that responded to this question suggested that returns might be made annually. Some private individuals felt that any system should be kept simple keeping with the principle that exemptions are a light-touch regulatory mechanism. The question about whether this would be covered by duty of care was also raised.

Q68. Should operators be required to keep the records required in an electronic format and/or in a system identified by the regulator?

76 Responses

75% said yes

25% said no

A majority of local authorities that responded to this question expressed support although there was some concern that operators who don't use IT could be disadvantaged.

38 private businesses responded to this question, of which 25 said yes. The main concerns expressed were around a lack of flexibility if the regulator were to define the format. There was also some resistance on the grounds that exemptions are meant to be a low-bureaucracy regulatory mechanism.

Many of the other comment very much reflected those from private businesses with some private individuals also making a link to potential electronic duty of care recording.

Q69. Do you think that the regulator should be able to impose additional information requirements for individual exemptions on a case by case basis at registration, on an ongoing basis or at end of operation to address issues of poor compliance?

73 Responses

89% said yes

11% said no

Support from local authorities was unanimous and among accompanying comments was a suggestion that any proposal is risk-based.

A majority of private businesses expressed support although concern was expressed about the detail of how this might be defined and applied.

There was strong support from trade associations and professional bodies. There was however a mixture of views about whether requirements should be defined on a case-by-case basis or with a broader approach. Some suggestions were made on particular exemptions and that if case by case decisions need looking at then maybe the activity should be permitted rather than exempt.

A majority of private individuals expressed support as long as the requirements were reasonable. There was however a question raised about whether the regulator already has the powers.

Q70. Do you think any additional information requirements should be implemented immediately, notably in relation to the 10 exemptions of concern described in section 4.2?

66 Responses

64% said yes

36% said no

36 private businesses responded to this question, of which 21 said yes. In general the supporting comments were supportive but concerns were raised around how it would be implemented and also a suggestion made that there should be an implementation period.

In principle trade associations were supportive but there was some concern about how it would work and be used by the regulator. Similarly professional bodies were supportive but again, some of that support is dependent on the type of information requested and, for example, whether a transition period might be appropriate.

Better exemptions regulation Q71-74

Q71. Do you have any suggestions on how you think the exemptions registration service can be improved further?

A theme across all sectors was that while a small number of respondents were content that the registration service is simple and effective this was accompanied by a widespread perception that the system is too simple and easy and is therefore open to abuse. Many felt that exemptions should be more like the permitting regime. Suggestions included annual renewals, fees, applications including questions and confirmation of responsibilities, mandatory self-assessments and site visits before and after issue.

Local authority responses to this question were focussed on the ease with which exemptions could be removed. Suggestions included the ability to register evidence of non-compliance online and for it to be easier for the regulator to remove exemptions when they have good evidence. Another suggestion was for electronic notification of a breach of the exemption to be sent to the operator with an assumption that the exemption will be removed if no response is received.

There were a large number of comments received from private businesses. Suggestions included stricter checks in return for more flexible tonnage limits and that the increased cost of a more robust system could be covered by an administration charge which would also have the effect of reducing the overall number of exemptions. Other suggestions included a system to identify duplicate registrations, for users to be able to renew exemptions by signing a declaration to confirm nothing has changed, for de-registration to be made as easy as registering and one suggestion for some operators to be able to register linear exemptions once across their entire network rather than at every location. Suggestions to better hold unscrupulous operators to account include a link to local regulation teams for monitoring purposes, a better check on legal entities and a more accessible, no cost Public Register that can be used to ascertain the relevant competence of the holder of a permit or exemption.

A number of responses from trade associations suggested that quick and easy registration is at odds with environmental protection. One questioned the correlation between something being widely used and it being a success, suggesting that the system is widely used because it is easy to abuse. A number of responses suggested exemptions should be chargeable and that guidance should be provided to aid understanding and expectation of compliance.

Suggestions from professional bodies included a system that requires significantly more information but that would provide a much greater level of granularity to the information collected, demonstrate a reasonable level of knowledge and discourage 'just in case' registrations. Other suggestions for reducing unused registrations include a tick box confirmation of a declaration and require a statement that would demonstrate what the exemption will be used for.

Q72. Do you support the changes to the waste codes set out in Annex 10?

59 Responses

83% said yes

17% said no

The comments that accompanied the 29 responses from private businesses contained widespread agreement with the proposed changes. Many believed them to be sensible and pragmatic, to clarify and correct previous errors and have less potential for mis-describing waste to fit exemptions.

A number of additional proposals were suggested by private businesses:

- Proposal for the addition of EWC code 20.01.28 to the new S6 exemption in order to allow the bulking up of aqueous paints from householders.
- Proposal for the inclusion of EWC codes 08.03.18 or 16.02.16 to the new S6 exemption because of the incoming requirements of the WEEE directive on toner cartridges.
- Defra to compile a suitable list of EWC's that will be allowed under exemption D7 to set the exemption on a firmer footing and make regulator intervention more straightforward.
- Suggestion that the '99' codes (wastes not otherwise specified) should not be completely removed but a statement included that the '99' should only be used where a more appropriate code is not available.

There were however a number of concerns expressed:

- That clean wood under EWC 17 02 01 would be removed from the exemption.
- That the proposed changes to T20 and T21 exemptions contained a minimal rationale.
- That there was insufficient overall explanation as to why the specific codes have been selected, specifically questioning which other codes covered the removal of 20 03 99.
- That there should be no exemptions for the handling of any of the particular waste streams detailed in the current S1 and S2 exemptions.

Of the 7 trade associations which responded to this question, one respondent expressed support but suggested that for e.g. 17 02 01 it would be beneficial to allow compliant businesses to trial new sites for seasonal storage and that this could be achieved by imposing strict timelines when the site would need to be cleared or a full permit required. Two respondents expressed support for the T9 exemption to be removed altogether on the grounds that 86% of the T9s in use are non-compliant. It was felt that if this didn't happen there would need to be a significant overall reduction in waste throughput and additional specific exclusions of all ELVs, vehicle batteries & vehicle catalyts. At such low volumes, they suggested T9 would then only be viable for non-ferrous metals, so the included and excluded waste list should be expanded.

There were two expressions of support from private individuals but one comment that too much attention is paid to codes and not enough to descriptions of waste and its nature.

Q73. If we change the conditions for the exemptions of concern would you support the alignment of conditions across exemptions proposed in Annex 11?

50 Responses

76% said yes

24% said no

Of the 23 responses from private businesses two went on to express agreement that there should be consistency in the conditions across all exemptions and that the changes appear sensible and pragmatic. However, one respondent commented that since the exemptions are for different activities there is no reason to align conditions across exemptions. Concerns were also expressed with regards to the proposed limits to cardboard, plastic and wood. One respondent commented that it would be important that impacted exemption users are consulted ahead of any changes.

Two trade association commented that while they generally support such changes they had concerns around the proposed volumes which might restrict business, resulting either in operators going out of business or acting illegally. CIWM and CIWM Cymru Wales commented here, and for each of Q73 a, b and c that they were not aware of particular concerns with these exemptions and so were not clear on the reasons for considering these changes. Two private individuals commented that the new storage limits were excessive.

Q73(a) We also asked for the exemptions U8 and U9 listed in Annex 11 (Table 1), what do you think the new aligned conditions should be?

There were two comments from private businesses, one suggesting 500t (U9) untreated wood, 100t (U9) Haz wood and 250t (T6) Haz wood and one comment that since the exemptions are for different activities there was no reason to align conditions across exemptions. One trade association expressed support but stressed that the proposed volumes will not be sufficient for compliant businesses to trial new sites on a commercial scale or for seasonal wood storage.

Q73(b) We also asked for the exemptions U8, U9, T1 and T2 listed in Annex 11 (Table 2), what do you think the new aligned conditions should be?

One comment from a private business suggested T4: Packaging 100t, Textiles 100t and T12: 100t p+c, 100t glass, 100t packaging, 100t plastics. One trade association expressed support but stressed that the proposed volumes will not be sufficient for compliant businesses to trial new sites on a commercial scale or for seasonal wood storage.

Q73(c) We also asked for the exemptions U8 and U9 listed in Annex 11 (Table 3), what do you think the new aligned conditions should be?

One comment from a private business thought that much higher volumes were needed and that the height of stacks was not appropriate. They felt their own safety standards were better and more than enough.

Q74. Do you think that the standard rules for the ten exemptions set out in Annex 12 are sufficient? Are new standard rules also needed?

56 Responses 57% said sufficient 43% said new standard rules were also needed

11 local authorities responded to this question. One felt that if they're being applied to possibly smaller exemption limits they may need to be reviewed to allow for this. One local authority thought that no new standard rules were required. They thought that if proposals to remove tyres from the S2 exemption or exemptions mean they are no longer allowed on permitted sites, the Standard Rules Permit (SR2008 No 13- 75kte-non-hazardous & hazardous household waste amenity site) needed to be amended to include tyres.

16 private businesses said the standard rules for the ten exemptions set out in Annex 12 were sufficient. Accompanying comments suggested that while minor amendments might be needed there was no need for new standard rules entirely. 11 said new standard rules were needed. One said they would be concerned if exemptions were to be removed for low risk activities of operators whose primary activity is not waste operation. They felt that to the extent that permits are supported by standard rules they should be proportionate to the risk. Another expressed concern about the costs and burdens associated with a bespoke permit where a company had previously carried out activities under an exemption.

One private business said that operators will need the time to assess the correct permitting route for each individual site. Similarly, another expressed concern as to whether the regulator's National Permitting Service is currently resourced to accommodate this level of potential change and that changes should be phased to help with the impact.

One trade association agreed that new standard rules for the storage or mechanical treatment of tyres may be required and another thought that a new SRP for low volume ELV and metal operators may be required. Others thought they were sufficient but that care should be taken to ensure they are fit for purpose and operators will need to be allowed sufficient transition time to assess the correct permitting route.

Transitional provisions Q75

Q75. Do you think that the proposed timescales to implement the changes to the exemptions regime are adequate?

83 Responses

48% said yes

52% said no

13 local authorities responded to this questions of which 9 said yes and 4 said no. Those that provided a comment thought that 18 months from when the new regulations come into force was excessive and operators should have 12 months since for some businesses the changes cannot come soon enough.

46 private businesses responded to this question of which 19 said yes and 27 said no. A number of respondents felt that the timescales were suitable, some thought that 12, 9 or 6 months would be more appropriate. However, a large number of respondents felt that 18 months was the minimum suitable timescale. Some thought that the 18 month period should apply regardless of the actual expiry date to prevent multiple re-registration, to allow for construction works and to purchase necessary equipment. Concern was also expressed by some that the regulator was not sufficiently resourced to deal with the scale of the change.

Two private business respondents proposed a special transition period for operators that have been operating safely under exemptions for years and may have sites that need substantial investment. It was also suggested by a number of respondents that exempt sites that are known to be operating illegally or that have a problematic compliance history should have a significantly reduced transition period or their exemptions withdrawn immediately. Two respondents also called for further consultation on the proposed changes to the exemption regime.

There was a very strong message from trade association responses that the transitional period should be significantly less or that there should be no transitional period at all. It was felt that a transitional period would simply allow illegal operators to continue when they are causing the industry serious problems now. There was also a lot of concern expressed about the capacity of the regulators to handle this change. There were however several comments that suggested that a longer transitional period would be more realistic given the magnitude of the changes suggested and that the new requirements should apply to pre-existing exemptions from their expiry date only.

Other responses from professional bodies, private individuals and NGOs mirrored the above split of comments.

Estimated costs and benefits of proposals Q76-81

Q76. Have you experienced an increase or a decrease in criminality and poor performance in the waste sector over the last few years? What are your expectations for the future if nothing is done to tackle the issue?

63 Responses

92% said increase

8% said decrease

Three local authorities commented that they thought criminality and poor performance in the waste sector would continue to increase. One respondent expected the potential high profits from illegal waste operations to attract more organised waste criminals at the expense of the environment, residents and legitimate waste businesses. One respondent welcomed tighter controls but felt that without robust enforcement the proposals may be ineffective.

31 private businesses responded to this question. Five commented they have seen an increase, particularly in fly tipping and littering, accompanied by increased media attention and proposed actions to tackle it. Three respondents said that they hadn't experienced an increase or a decrease but two of these said the perception from media reports and trade bodies suggested an increase. One respondent said they had observed a decrease in legislative awareness both within business and regulatory agencies and felt this was largely due to the increasing complexity and ambiguity of waste legislation. There was widespread agreement that if nothing is done criminality and poor performance in the waste sector will not improve or continue to increase. There was some concern that the issue is more a lack of regulatory resources, rather than the permits and exemptions themselves. Respondents felt that the impacts would largely be on the legitimate waste and resources sector and the tax payer. A large number of examples of sector specific criminality were also provided.

Of the responses received from trade associations, professional bodies and private individuals the majority of respondents indicated they had seen an increase. There was widespread agreement that if nothing is done criminality and poor performance in the waste sector will not improve or continue to increase. A large number of examples of sector specific criminality were again provided.

Q77. Overall, how effective do you think Options 2 and 3, as described in the impact assessment, would be to tackle criminality and poor performance in the waste sector?

71 Responses

63% said effective

37% said ineffective

What is your preferred option?

47 Responses

77% option 2

23% option 3

Private businesses provided a number of supporting comments for option 2 but many caveated these with concerns that tightening up exemptions on its own will not be effective

without a sufficiently resourced regulator. Concern was also expressed for the underlying costed assumptions that accompany the options which were perceived to be substantially underestimated. Another respondent felt that updated impact assessments should be provided along with further consultation and that these should take into consideration the costs to those businesses which may be brought into scope of the permitting requirements if certain options are taken forward.

We received 13 responses from operators within the WEEE sector. The respondents did not think that either option would address criminality and poor performance in the WEEE sector. They felt that the proposed amendments were excessive and that in the waste gas discharge lamp collection sector the proposed changes are considerable and likely to encourage unlawful activity.

One trade association preferred option 3 as it felt that leaving exemptions in place but with reduced limits will have little impact since there is no enforcement of exempted sites.

Q78. Do you think that any of the proposals will impose additional costs on yourself or your organisation?

71 Responses

75% said yes

25% said no

One comment from a local authority was that the Environment Agency has insufficient resources and that consequently the burden has fallen on its officers.

43 private businesses responded to this question. 37 said yes. A number of respondents expressed concern that legitimate waste operators would be unfairly penalised for the actions of poor performers which breach regulations. One comment expressed concern that while the impact assessment assumes the regulations may result in an increased demand for legitimate waste services, these benefits would not be realised by those that are only managing waste generated through their own activities. However, there were also three comments that said the increased costs would be a price worth paying if they reduced the level of waste crime significantly and were carried fairly across the industry.

Another private business respondent felt that updated impact assessments should be provided along with further consultation and that these should take into consideration the costs to those businesses which may be brought into scope of the permitting requirements if certain options are taken forward.

We received 13 responses from operators within the WEEE sector. They felt that there would be a considerable increase in costs arising from the requirement to install sealed drainage at many of their sites across England and Wales estimating this to be around £10K per site. They also felt that the new storage requirements were excessive and significantly exceed the provisions in Annex VIII of the WEEE directive in that not only must storage be in a sealed container, but also on an impermeable surface with sealed drainage.

10 trade associations responded to this question, 8 of which said yes. There were two comments that echoed those of some private businesses in that they felt the increased costs would be a price worth paying if they reduced the level of waste crime significantly and were carried fairly across the industry. Another thought that, for example, tyre recovery has been shown not to be a low risk operation and the removal of exemptions would benefit regulated operators and result in improved environmental protection. Conversely another thought that the proposals would restrict opportunities for SMEs and therefore could encourage illegal activity.

Q79. Do you think that the proposed analytical approach appropriately covers all potential costs and benefits that would arise from implementing the proposals?

58 Responses

59% said yes

41% said no

34 private businesses responded to this question. 13 said yes and 21 said no. Two respondents felt that it was not possible to cover all potential costs and benefits at this stage. Another private business respondent felt that updated impact assessments should be provided along with further consultation and that these should take into consideration the costs to those businesses which may be brought into scope of the permitting requirements if certain options are taken forward.

We received 11 responses from operators within the WEEE sector. They were concerned that the impact assessment does not consider container and transport costs even though S2 exemptions are registered largely to deliver transport efficiencies. They also expressed concern about other components of the RIA which were:

- The costs specific to the transition period far exceed the permit application and exemption costs. They may require new engineered controls or implementation of site infrastructure such as weighbridges, sealed drainage, recruitment of technically competent persons and financial provision.
- For S2 exemptions, since the GDL S5 condition requires storage in sealed conditions, capital costs of purchasing these containers will be required in some cases. For this reason, it is highly unlikely that the capital cost will be £0.
- Likewise, the operational cost will not be £0 – the volume constraints on lamp storage will increase collection frequencies and therefore transport costs.

One trade association said that the consequential costs of inadequate environmental protection have not been sufficiently recognised. Another stated that the overall costs of illegal waste activities have been underestimated. Specifically they thought that in Part B of the IA, where U16 costs were calculated by £/tonne, this is 50% less than the true market value but also the used parts value is at least double the scrap value. They also expressed concern that retention of T9 without sufficient attention from the regulator will result in no improvement.

Another trade association and two private individuals felt that there may be some hidden costs which would only become apparent in time.

Q80. Do you think that any of the costs and benefits covered in the impact assessment should not be accounted for in the costings?

35 Responses

29% said yes

71% said no

A private business respondent felt that updated impact assessments should be provided along with further consultation and that these should take into consideration the costs to those businesses which may be brought into scope of the permitting requirements if certain options are taken forward. One trade association said that it was not possible to determine all the costs and benefits at this stage. Another expressed concern that the costs and benefits have been developed based on assumptions rather than clear analysis.

Q81. Do you have any evidence that would support the calculation of benefits or costs of the exemptions proposals to business?

One private business said it would be able to provide data on cost implications but that this would take time and further detail. Another felt that updated impact assessments should be provided along with further consultation and that these should take into consideration the costs to those businesses which may be brought into scope of the permitting requirements if certain options are taken forward.

Q81(a) Are you aware of any other sources of evidence that would improve the costings, including for the proposals not covered in the current impact assessment?

One private business pointed to the Environment Agency's own database as being able to identify those sites that will be affected by the proposals and be required to cease their activities or apply for new standard rules permits or bespoke permits from which an estimate could then be made. Similarly, one private individual felt that it might be useful to estimate the number of businesses registered as exempt under each exemption that would need to apply for an environmental permit. One trade association said that the reports by the Chief Medical Officer and the joint report on air quality by the 4 Select Committees (The Environment, Food and Rural Affairs, Environmental Audit, Health and Social Care, and Transport Committees) provide valuable evidence regarding the importance of improving and defending air quality.

One trade association believed that U16 exempt operators constitute a large proportion of illegal ELV operators. They estimated the annual revenue from illegally dismantled vehicles in the UK could amount to £250 million annually. When applied to 500,000 – 600,000 missing ELVs they estimate this equates to over £110,000 a year extra for each & every UK ATF. They go on to say that this could support 2200 new ATFs each handling 249 vehicles equating to 2,200 new permit application fees & 2,200 subsistence charges plus 2,200 new scrap metal dealer registrations.

Part C: Duty of care fixed penalty notice

Part C of the consultation sought views on the introduction of a fixed penalty notice (FPN). The FPN would provide a more proportionate enforcement approach to target householders who breach their existing duty of care by not taking reasonable steps to ensure their waste is passed to an authorised person. To support this we are also looking at ways to improve householders' awareness of their duty of care.

Improving householder awareness Q82-85

Q82. Do you believe that householders are currently sufficiently aware of their duties and the risk of prosecution when passing their waste to an unauthorised person?

170 Responses

97% said no

3% said yes

Comments received on this question recognised a widespread lack of awareness among householders. Local authorities highlighted that householders regularly claim ignorance of the duty and that awareness raising that targeted the methods that householders often use to find waste carriers was needed. 12 local authorities noted their existing campaign work and there was a suggestion that awareness is gradually improving.

Comments from private businesses questioned the ease with which householders can identify legitimate operators and were concerned the system was fully understood by ordinary households. Of the 39 private individuals that provided a comment on this question, 11 suggested the need for awareness raising campaigns with one noting the lack of effort on a national scale. There was a suggestion that asking to see a waste carriers licence may be embarrassing or intimidating and that carriers should be required to carry formal proof.

Q83. What more could be done to improve householder awareness of their duty of care and prevent fly-tipping of household waste?

162 responses

The need for both national and local awareness campaigns was a commonly held view across all of the sectors that provided comments. Of the 73 responses from local authorities 41 specifically called for a national awareness raising campaign via television and social media, stickers and signage. There were also suggestions for more local authority activity including leafleting, surgery days and publicising prosecutions. However, concerns over local authority resourcing were also cited.

Other common themes included simple guidance for householders, extended producer responsibility, and the need for local authorities to make it easier for the public to dispose of their waste. Other specific suggestions included retailers providing information at the

time of purchase for commonly fly-tipped products, linking into existing campaigns such as Right Waste Right Place, and a system for waste carriers similar to the 'Gas Safe' Register.

Q84. Do you think that the Waste Duty of Care Code of Practice provides enough guidance on reasonable measures that can be taken to meet the household duty of care?

153 responses

57% said yes

43% said no

A common theme across all responses was that the guidance itself, whether considered sufficient or otherwise, is immaterial if householders are not aware of it or realise that it applies to them. Another common response across sectors was that specific plain English guidance for householders was needed, either in the Code of Practice or as a standalone document.

70 local authorities responded to this question with 46 saying yes and 24 saying no. Suggestions included guidance on what records should be kept, what constitutes 'reasonable' and pictures of a waste carrier's licence and how to check it is valid. Other suggestions from both a trade association and a private Individual were for 'Trusted' schemes or a charter mark to identify carriers that have had checks made already.

Q85. Do you think there are any other reasonable measures to meet the household duty of care that should be set out in guidance to households?

143 responses

60% said yes

40% said no

Common themes across all responses were for waste carriers to issue receipts to householders, an Environment Agency/Natural Resources Wales issued registration card that states what the holder is licensed to do and not do, a simple checklist of steps to take and questions to ask to confirm legitimacy and a warning of low costs which suggest illegitimate disposal and a suggested range of prices to expect. There were also suggestions for an improved layout and for the inclusion of prosecution details early in the document.

Of the 70 local authorities that responded, 39 said yes and 31 said no. Suggestions specific to local authorities included guidance on avoiding cash payments and keeping records and promotion of local authority waste collectors.

How the fixed penalty notice could be used Q86-87

Q86. Do you think that the introduction of an FPN for the offence of a householder passing their waste to an unauthorised person would help tackle fly-tipping?

167 responses

88% said yes

12% said no

There was strong agreement among local authorities that an FPN would be helpful. Many of the comments revealed a conflict between a low tolerance approach to waste crime and a desire to avoid prosecuting householders that are unaware of the requirements. They were content that an FPN would provide a middle ground. One local authority thought that this approach could potentially lack dispensation for those who are old or with disabilities and who may have another individual acting on their behalf.

25 private businesses said yes and six said no. Despite this the comments that accompanied these responses were largely cautious. One comment said that difficulties tracing waste to the householder would make the FPN ineffective and one thought that the FPN should be significantly higher since the cost of hiring a skip can be £300. Other comments said that awareness would need to be raised for the FPN to be effective and the FPN should be combined with an improved register and means of checking it.

Comments from trade associations and professional bodies were largely supportive believing that FPNs would help to support legitimate waste operators as long as sufficient efforts were made to raise awareness. However, several respondents highlighted that it is the fly-tipper, rather than the householder, who is committing the more serious crime and that FPNs for householders should not take the focus away from convicting fly tippers.

37 private individuals responded to this question, of which 31 said yes, an FPN would help tackle fly-tipping as long as awareness was common, enforcement is seen to be credible, guidance is provided, FPNs are issued promptly and consistently and that enforcement was sufficiently resourced. However, there were a number of concerns raised including that it may alienate householders, it would penalise a lack of understanding if not properly communicated and that it might divert attention and resources from tackling those people who are actually fly tipping. One comment also said that householders should be supported to dispose of waste correctly and that this was difficult as long as it remained difficult or expensive to dispose of waste at Household Waste Recycling Centres.

Q87. Do you think that government should provide further guidance to regulators on the use of the proposed FPN?

154 responses

90% said yes

10% said no

The need for consistency of approach was widely viewed as important and that guidance from government would assist in this. However, some local authorities thought that they should be able to set the FPN penalty at a level they deem appropriate. A theme across

all responses was that the guidance should provide criteria for when an FPN should be used and when prosecution is appropriate. A number of comments said that the guidance should define what is 'reasonable'.

Concerns raised included the need for regulators to be able to pursue unpaid fines or risk undermining the approach and presenting fly tipping as a low risk criminal activity. One respondent suggested that the guidance should be accompanied by a telephone helpline to discuss unusual situations.

Two respondents suggested that fines could be reduced for carrying out training or education on the waste Duty of Care. One suggested that local authorities should use funds raised to lower any costs incurred by land owners in clearing the waste.

Proposed penalties for the householder duty of care Q88-94

Q88. Do you think that the proposed levels of penalty for this FPN are correct?

149 responses

72% said yes

28% said no

73 local authorities responded to this question, 57 said yes and 16 said no. The majority supported the default fixed penalty of £200. Most felt it was right that Duty of Care offences were dealt with at the same level of seriousness as fly-tipping itself. Reference was made to the need to periodically review the fines to ensure they were still an effective deterrent.

Of those that said no a small number of local authorities considered the default penalty was too low and should be more than the cost of hiring a skip or removal from a commercial contractor. However a larger number of local authorities thought the levels were unreasonable and disproportionate to the offence. Many felt the maximum penalty for a breach of the duty of care should be less than the maximum penalty for fly tipping. Concerns were raised around how the offence would be perceived, especially in instances where householders have given waste to a carrier in good faith.

Of the responses received from private businesses, trade associations and professional bodies the majority of respondents supported the proposed levels of penalty. Comments from those in favour were that fines could be suspended in cases where people may have been duped and that a reduction for early payment may benefit payment rates.

Of the 38 private individuals that responded, 19 supported the proposed levels of penalty and 18 did not. Many of the accompanying comments were broadly in favour of the proposed levels. Some thought the proposed levels were too low and did not think they reflected the true cost of clearing a relatively small amount of fly tipped waste. Others thought that under the proposed regime, disposing of the waste unlawfully and agreeing to pay the fixed penalty could cost householders less than using an authorised carrier. A

number of respondents suggested the FPN was too high and concerns were raised about the impact these would have on householders, especially those on lower incomes.

Q89. Following implementation of the FPN, do you think that local authorities should communicate how frequently they use these penalties, and the impact on fly-tipping?

158 responses

95% said yes

5% said no

72 local authorities responded to this question. 64 said yes and 8 said no. Of those that said yes, accompanying comments said that publishing data would help publicise successes in tackling the problem and make residents aware of their responsibilities. Some however also cautioned against linking changes in fly tipping activity directly to the use of FPNs. Of those that said no, accompanying comments highlighted the further stretch this would put on already depleted resources and echoed that reductions in fly tipping could be as a result of other measures.

100% of the other 86 responses from private businesses, trade associations, professional bodies, private individuals, non-governmental organisations and others said yes. Comments generally agreed that publishing the data would help publicise the existence of the FPNs and make householders aware of their duty. It would also encourage greater transparency and monitor how effective they were in tackling the problem.

Q90. Do you think the introduction of this FPN will impose any additional costs on local authorities or other issuing authorities?

139 responses

42% said yes

58% said no

Of the 69 local authorities that responded to this question 36% said yes and 65% said no. Those that said yes provided a range of potential additional costs that covered pursuing non-payment of FPNs, administration costs and procedural costs although some respondents noted that these would be unlikely to exceed existing enforcement costs. Those that said no thought that costs would be minimised by existing FPN mechanisms and could be recuperated from fines issued or by a reduction in incidents. One respondent noted that the evidential requirements were the same whether the case went to court or an FPN was issued.

64% of private businesses, 75% of trade associations and 61% private individuals thought that yes, an FPN would impose additional costs. Reasons given were again, resource, administration and procedural costs. Of those that said no it was thought that the initial cost of implementation would not be excessive and would synchronise with existing systems and procedures. One respondent noted that costs were more likely to be felt by local authorities that had until now preferred to educate residents rather than prosecute.

Q91. Do you think the introduction of this FPN will make savings for local authorities or other issuing authorities?

140 responses

65% said yes

35% said no

The responses from each sector largely reflected the overall response.

Local authorities thought savings could be made in relation to legal action and preparation for court. They also thought that FPN income generation would cover officer time, possibly reduce prosecution costs and that existing FPN processes could be adapted at no additional cost. Others thought that, if effective, the consequent reduction in fly tipping would lead to savings. Those that said no said they thought that costs would be the same whether prosecuting or issuing an FPN, that immediate savings were unlikely before any reduction in incidents and concerns were raised of the levels of resources available for enforcement.

Of the private businesses that said yes, a number of respondents thought that the potential deterrent effect of an FPN would reduce incidents and thereby reduce costs for local authorities. Some respondents felt that the level of savings would be dependent upon effective enforcement e.g. whether they would pursue cases of non-payment.

The majority of private individuals that responded felt that savings were likely but this was dependent upon a reduction in incidents. One respondent noted that savings were more likely in local authorities that had large and proactive enforcement teams. Those that thought savings were unlikely cited that they thought the introduction of an FPN would be ineffective and that their local authority had limited enforcement capabilities.

Q92. Do you think that other parties than local authorities and other issuing authorities could incur costs of benefit from the introduction of this FPN?

117 responses

57% said yes

43% said no

A large proportion of local authorities thought that legitimate waste carriers may benefit. Other comments across sectors were broadly similar and said that it would have a positive effect on fly tipping, would reduce clean-up costs and would reduce the impact on courts. A number of comments said that it could reduce the impact of clean-up costs on land owners.

Q93. Do you think that the proposal will impose additional costs on yourself or your organisation?

135 responses

21% said yes

79% said no

75% of local authorities, 96% of private businesses and 70% of private individuals said no. This question did not attract many comments. Those that said no thought that there would be a reduction in overall costs. One comment from a private business noted that victims

currently shoulder the cost while another said that retailers might support an awareness raising campaign.

Those that said yes thought that additional costs would be incurred by local authorities for administration, training and enforcement staff.

Q94. Do you have any other information on the possible cost or benefits of issuing fixed penalty notices?

Six local authority respondents commented that it would reduce the burden on courts. Other benefits cited were that the funds could be reinvested into fly tipping prevention, it would act as a deterrent, reduce fly-tipping incidents, would reduce clean-up costs, would reduce the costs of preparing files for court and that legitimate businesses would benefit. A potential cost was noted with regards to pursuing unpaid FPNs.

Comments from other sectors were broadly similar. One private individual said that currently the courts can sometimes provide compensation for land owners and that this benefit could be lost if fixed penalties replaced prosecutions.

Appeals process Q95-99

Q95. Do you think that issuing authorities should be able to offer an appeals process for people to dispute a householder duty of care FPN?

153 responses

59% said yes

41% said no

Of the 70 local authorities that responded 43% said yes and 57% said no. 16 local authority respondents said that a type of appeal process already exists which is to not pay and allow a court to decide. Five thought that an additional system of appeal would be burdensome to local authorities. However, a number of respondents suggested a more informal approach that would allow householders to explain or justify what happened before an FPN is issued.

A number of other comments from trade associations, private individuals and non-governmental organisations said that disputing the FPN allows a court to decide and is something of an appeal process. Some also noted that a less informal pre-FPN process may already exist at some local authorities.

One private business said that there could be criticism if no appeal process was available. One trade association suggested that an appeals process should be at the enforcing authorities' discretion. 36 private individuals responded to this question. 78% said yes and 22% said no. Accompanying comments said that an appeals process is needed to safeguard against mistakes and that it would prevent cases ending up in court. However another comment said that appeals should be heard in court to prevent misuse.

Q96. Do you think that issuing authorities would incur any additional costs by providing an appeals process for people to dispute the issuing of a householder duty of care FPN?

143 responses

89% said yes

11% said no

68 local authorities responded to this question. 88% said yes and 12% said no. The majority of the local authorities that responded to this question felt there would be an additional cost associated with an appeals process and these focussed primarily on administration, staffing and legal costs. A small number however thought additional costs could be covered by the original FPN or by establishing a small fee. A number of local authorities referred to responses provided in Q95 and questioned the need for an appeals process, noting if the offender wanted to contest this then they would refuse the FPN and the matter would be dealt with through the courts. A small number felt that there would be no additional costs, noting any appeal could be managed using existing resources.

37 private individuals responded to this question. 86% said yes and 14% said no. The majority of private individuals felt there would be a cost associated with an appeals process. Two respondents suggested appeals could have a fee applied, although one felt this charge should be waived if the appeal was successful. One respondent felt that whilst there would be likely costs, this would ultimately be cheaper than a case failing in court following non-payment.

One non-governmental organisation raised a concern that an appeals process could potentially reduce the use and effectiveness of the FPN. However, another respondent felt that such appeals would be likely be limited if robust evidence was obtained.

Q97. Do you think there are any other steps the appeal process should cover?

121 responses

18% said yes

82% said no

The majority of local authority respondents were opposed to any additional steps, with most noting that any appeal should be a simple, single stage process or expressed a preference for no appeal at all as it should be for the courts to decide on the matter of guilt. Of those that said yes suggestions included unpaid FPNs switching to other related offences. Of those that said yes several respondents were keen to avoid any scenarios where a householder may have taken all reasonable steps to dispose of their waste in a legal and correct manner, however, the waste carrier then acted in an illegal manner. There were concerns that this could be a particular issue with more vulnerable members of society. Another suggested an option could be provided to drop the FPN if the affected householder assisted in any investigation and named the offender.

The majority of private businesses that responded to this question did not elaborate, however, the comments that were received echoed some of the local authority comments with regards to protecting vulnerable people and reduced fines for people who cooperate by providing information about the contractor used.

Responses from private individuals varied with a number focussing on what should be included in the appeals process or how it should operate. This included whether the person had been deceived or not, verification of identity and how to contact people of no fixed abode and establish an opportunity to pay in instalments in cases of hardship.

Q98. What are the best ways to ensure that the recipients of an FPN are made aware of the appeal process if one is available?

The majority of respondents to this question suggested recipients could be made aware of any appeals process at the point of issuing the FPN, either by including the information on the fine or via direct communication by the Enforcement Officer. Other suggestions included the use of local authorities' website and adding details to any covering letter accompanying the FPN.

Q99. Where an issuing authority chooses not to offer an appeals process do you think the right of appeal is adequately provided for through the courts?

128 responses

75% said yes

25% said no

The majority of local authorities (88% of 69 responses) felt the court system was the appropriate route for defendants to challenge FPNs, although some noted the Magistrate Court should not be considered as an appeals process, instead making a judgement on the original offence following non-payment of an FPN. However some expressed concern about the potential burden that could be placed on the court system if an appeals mechanism was not established, while others noted an appeals process may help reduce the stress of a court appearance for someone who had been incorrectly issued an FPN.

18 private businesses responded to this question. 44% said yes and 56% said no. One respondent suggested an alternative appeals process could be undertaken by a local authority ombudsman and another felt that if appeals were only dealt with through the court system there was a risk FPNs could be issued without due consideration.

Other sectors were more supportive of the court system approach although one private individual echoed the concerns raised about FPNs being issued without due consideration leaving the recipient forced to take the local authority to court. Another felt that the government should stipulate that an appeals process should be made available but leave it to individual local authorities to decide how best to do that.

Annex 1- Overarching design principles for exemptions reform

Reducing the quantity of waste that can be accepted

What is the issue?

Some exemptions allow significantly more waste to be accepted than under standard rules permits. As an example, the T6 exemption allows 5 times more waste to be accepted per year than under the equivalent standard rule².

In addition, exempt operations are not subject to the same level of scrutiny through inspection as permitted operations, and those using waste exemptions are not required to demonstrate technical competence or submit quarterly waste returns.

As a result, poor performance is not detected early and sites often only get inspected once a problem arises. Therefore the risk of incidents, such as fires, and illegal activity is much greater. This situation also creates an unfair and unlevel playing field between waste businesses operating under environmental permits and those operating under waste exemptions.

Design principle

- Waste exemptions should allow for significantly less waste to be accepted at a site than under the equivalent environmental permits.

Approach and proposal

- For each exemption standard rules allowing similar waste activities were identified.
- We started from the point that the quantity of waste allowed under an exemption should be less than that dealt with by businesses operating under equivalent standard rules. This means we looked both at the maximum amounts of waste allowed under a standard rules permit and the quantity of waste actually accepted by businesses under that permit according to site returns data.
- The new proposed waste quantities ensure that high risk activities only occur at permitted sites and that there is no overlap between use of exemptions and permits for activities of similar scale.

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/479480/LIT_10296.pdf

Reducing the quantities and time of storage on site

What is the issue?

Stockpiling of wastes has become a big issue. Often, gate fees are the main source of revenue for those operating under waste exemptions, and these operators are therefore inclined to accept large quantities of waste, even if they do not have a secure market for any recyclables or legal disposal routes. Even where there is a market for a particular waste stream, changes in the market can lead to stockpiling either because the cost of disposal is prohibitive or because the operator is waiting for the price of the waste materials to rise before selling.

Often, the most acute issue arising from stockpiling is fire risk, as waste accumulated for more than 3 months becomes increasingly at risk of self-combustion.

In addition, the recyclability of many wastes declines with time in storage, particularly if they are contaminated, for example with food residues. This can also attract vermin and pests, and generate smell, leading to severe negative impacts on local communities.

In some instances, sites are abandoned and large piles of waste blight local communities and the environment. Private landowners, local authorities and regulators can be left to clear these abandoned sites at significant cost.

Design principle

- Storage quantities and maximum storage time should be set at an appropriate level to prevent stockpiling, and be linked to an operational need for storage, to encourage turnover and sustain waste recovery at the site or waste export to another site.

Approach and proposal

- Depending on the exemption, different criteria were taken into account to set new proposed limits.
- As an example, if an exemption is used to bulk up waste, the maximum storage quantity has to be set to that of a single container that can be transported by one vehicle to the next facility for recovery. Only one container can be transported at a time, so having multiple containers on site does not allow for saving on transport costs.
- In other cases, such as when waste is recovered on site, storage times and quantities were set to sustain typical recovery turnover, and avoid stockpiling.

Limiting the types of waste that can be handled

What is the issue?

Different types of issues can arise from allowing certain types of waste managed under particular exemptions.

A first set of issues relates to waste types that require a complex assessment to ascertain whether they are hazardous. This is the case for those waste types that have mirror entry codes (non-hazardous and hazardous), and therefore require a hazardous waste assessment. When such wastes are received in a mixed state (e.g. wood from construction and demolition), only a small proportion of hazardous waste, when it cannot be adequately separated, will render the load hazardous. In such instances, identifying the presence of hazardous waste can be challenging, and will often require carrying out a chemical assessment. If the waste is incorrectly assessed, then it can end up at facilities not permitted to take those wastes, such as combustion plants not designed to eliminate toxic emissions to air. Such potential consequences make these types of wastes incompatible with the remit of the waste exemption regime, which is meant to only cover low-risk activities and require limited technical knowledge.

Certain waste types, such as mattresses, are also difficult to recycle, and the resulting separated materials are often of very low-value. In such instances, an operator's main revenue will be generated from gate fees and not onward recovery. This can lead to issues of stockpiling and site abandonment.

The collection of certain wastes can also provide some exempted operators with a sustained source of revenue from charging gate fees, but often these operators do not invest into the necessary infrastructure and equipment to recover these wastes. Tyres, for example, are easy to collect, and we are aware of a number of instances where operators register a T8 exemption and subsequently stockpile tyres way above the maximum quantity allowed, with no intention to recover them. Such sites can be subject to fires – they also undercut legitimate businesses, which have the necessary infrastructure to properly recover tyres.

Design principles

- Waste exemptions should generally only include waste types that: 1) do not require complex assessments or advanced technical knowledge to be handled appropriately; 2) are easy to handle and process and for which there is a sustainable market to sell secondary materials; and 3) do not attract waste criminals.
- Waste types that need a complex assessment to identify if they are hazardous are removed from exemptions wherever possible, with the exception of producers handling their own waste.

Approach and proposal

- We reviewed all waste types currently listed under the 10 exemptions of interest.
- Evidence gathered by the regulators and through consultation with the industry was used to identify waste types that are problematic and should be excluded from the proposals.

Tightening up fire prevention controls

What is the issue?

Permitted operations that handle combustible wastes are now required to store that waste in accordance with the EA's 'Fire Prevention Plan' (FPP) guidance³ or produce their own plan giving alternative measures to control the risk from fire. The waste to which the FPP Guidance applies to include: wood, scrap metal, rags and textiles, paper, plastic and tyres.

Applying the FPP guidance only to permitted operations implies that exempted sites are of lower risk even where they are managing the same wastes in significant quantities. We know that the risks are the same and could be even higher due to the lower level of entry by operators (e.g. no need for technical competence) and low-level of inspection by the Regulator. Requiring lesser controls for exempted operations creates an unlevel playing field between businesses operating under permits and waste exemptions.

Design principle

- Exempted operations managing combustible wastes should have equivalent levels of controls and requirements as permitted sites to reduce fire risk.

Approach and proposal

- Of the exemptions specified in the consultation those allowing the handling of combustible waste were reviewed.
- For these exemptions, we are proposing to apply the same requirements as under the FPP Guidance, including maximum stack heights (no more than 4m), storage quantities and dimensions (no more than one pile of the size that is specified in the FPP guidance for a particular waste type) and length of storage (no more than 3 months). However, as exemptions require set limits, it is not possible to provide operators with the option to develop a separate plan specifying alternative measures.
- Where the new storage limits mean that the risk is much smaller, we have not required distance requirements between piles or boundaries to be applied.

³ <https://www.gov.uk/government/publications/fire-prevention-plans-environmental-permits/fire-prevention-plans-environmental-permits>

It should be clear when a site is compliant

What is the issue?

Often, it is difficult to assess on-site, without using a weighbridge or other specialist technical equipment, whether the maximum quantities of waste allowed under a particular exemption are exceeded.

This is particularly the case where exemptions allow for such large quantities of waste to be stored that it is difficult to appreciate on-site when limits are exceeded. This is also the case because some waste quantities are defined in tonnes, while it is much easier to ascertain volumes or number of units when visiting sites. Conversion factors⁴ allowing for converting tonnages into volumes are also difficult to use, as they vary considerably depending on the type of waste and its level of compaction.

The issue here is that operators are sometimes able to exceed their limits without being stopped, which increases the risk of incidents, such as fires, and also indirectly encourages businesses to rely on gate fees as their main source of revenue, rather than to invest on recovery infrastructure. Ultimately, this also increases burden on the regulator and the operator, who cannot easily assess whether a site is compliant.

Design principle

- Waste quantity limits should be defined in such a manner that makes it easy for an operator or a regulator to ascertain whether a site is compliant with its exemption conditions.

Approach and proposal

- The proposals implement the use of volumes or, where more appropriate, number of units instead of tonnages to define maximum waste quantities. These measurement units can be paced out and simply measured or counted without the need of specialist equipment.
- As explained elsewhere in this document, new smaller limits were set to meet a number of criteria, including operational requirements, and the need to reduce risk and fit the FPP guidance. Much smaller limits also mean that issues of non-compliance can be identified quickly, before the situation becomes out of control.

⁴ www.wrap.org.uk/content/waste-conversion-factors-wrap-construction-tools

Better, more explicit waste descriptions to accompany waste codes

What is the issue?

The way waste types and codes are currently displayed in the Environmental Permitting Regulations (EPR)⁵ means that operators have to consult other regulation or guidance, such as the waste classification technical guidance WM3⁶, to appropriately assess whether a particular waste falls into the scope of a particular exemption.

A key issue is that the lists of waste types provided in the EPR for each exemption only refer to material types (e.g. Bricks, Concrete, Plastic...), with no details on the origin or source of these wastes (e.g. construction and demolition) or on any requirements to conduct a hazardous waste assessment. Currently, it is in particular not clear for an operator to assess from the EPR only, and without consulting additional guidance, whether there is a mirror entry code that requires a hazardous waste assessment to be carried out.

The current situation lacks clarity and imposes unnecessary burden on operators to meet their requirements. It also increases chances of misclassifying waste, increasing the risk of incidents, environmental damage and other negative impacts.

Design principle

- The regulations should make it easy for operators and regulators to identify what wastes are permitted under a particular exemption and whether any hazardous waste assessment needs to be carried out.

Approach and proposal

- The intention of the proposal is to use WM3 guidance to improve in the EPR the description of wastes allowed under the exemptions, to clarify the origin or source of the wastes, and whether a hazardous waste assessment needs to be carried out.
- Although we intend to avoid mirror-entry code wastes wherever possible it is not always a practical option.

⁵ <http://www.legislation.gov.uk/ukxi/2016/1154/contents/made>

⁶ <https://www.gov.uk/government/publications/waste-classification-technical-guidance>

Annex 2 – U1 Use of waste in construction

Part 1: Specific issues and proposed changes

Issue	Issue detail	Rationale for change	Proposed changes
Disposal not recovery	U1 is for recovery activities not disposal. Before a permit is issued for a recovery activity a recovery assessment is carried out to ensure there is a need for the deposit and it is a genuine recovery.	<p>Waste exemptions are free to register and therefore the registrant (operator) self-certifies that they will meet the terms of the exemption including that it is a recovery.</p> <p>When inspection is carried out often there are breaches of the exemption and the activity or quantities used mean that it is not a recovery operation.</p> <p>It should be obvious to the Regulator when a U1 operation does not meet the definition of recovery and there should not be a need for a complex recovery assessment.</p> <p>There are other options to complete work – use raw materials, use wastes that have reached a quality standard and are no longer waste. Alternatively the CL:AIRE code of practice can be used. http://www.claire.co.uk/projects-and-initiatives/dow-cop/28-framework-and-guidance/111-dow-cop-main-document</p>	<p>The exemption has been limited to very specific uses that this exemption would typically be used legitimately for.</p> <p>The quantities and waste types specified for each use have been determined using published engineering standards for different types of activity.</p> <p>More specified uses may come out in consultation.</p> <p>Anything outside of these activities or quantities would need a permit with more detailed assessment to prove that it is a recovery operation.</p>
Wrong waste types are often used	<p>There are a wide-range of waste types listed in the U1 exemption that are not typically used by the majority of businesses.</p> <p>They are also not as clearly described as they could be.</p>	<p>Using the deposit for recovery standard rules SR2015No39 as a basis for the exemption.</p> <p>The permit is very restrictive on the waste types that can be used and for what purpose. U1 should be of a lower risk than a recovery permit.</p>	<p>Reduce the list of wastes to the most common and typically used that have proven to have the appropriate properties needed for the specified activity.</p> <p>Improve the descriptions so that there is greater clarity on the quality of the waste that can be used.</p>

Issue	Issue detail	Rationale for change	Proposed changes
Too close to sensitive receptors	When an exempt U1 activity is breached sometimes the waste is unsuitable and can be near to sensitive receptors which can pose a risk especially at the quantities currently allowed.	The reduction in waste types used with more specific treatment standards introduced as restrictions will reduce the amount of inappropriate wastes used.	Introduce distance criteria around springs, wells and boreholes and watercourses for storage. The waste types and quantities are much reduced and quality improved so that the risk will be lower overall.
Contraries in waste (contamination)	Often the hard-core and soils are mixed or contaminated with other wastes such as wood, metal plastic and sometimes asbestos.	These cause contamination of the land and amenity issues. Biodegradable waste degrades and can form gas and leachate. Asbestos waste is hazardous to human health. Soils may be contaminated naturally or man-made with heavy metals and may contain chemicals such as persistent organic pollutants (POPs).	Make it clear in the descriptions that the waste should have been properly segregated before it comes to site and where a hazardous waste assessment must have been carried out to code the waste correctly.
Quantities too high	The current 5000 tonnes of waste is a significant amount and can pose a high-risk to the environment. Often this amount is also exceeded and is not compliant on waste types either.	By reducing the overall quantities and specifying particular uses it is much clearer to the Regulator and to the operator when they are compliant. As an example an operator may build tracks, create a hardstanding area to park machinery and build a small barrier to prevent fly-tipping on their land as long as they comply with the conditions set out for each specified activity.	Remove the general limit and replace it with specific quantities for particular jobs. Reduce quantities to very small amounts to align with low-risk operations. In theory an operator could use greater quantities of waste under the proposed changes but would have to show that they are being used for very specific activities, so making compliance easier to establish.

Part 2: Option 2 - Proposal

U1 - Use of clean hard-core, waste minerals, road planings and other specified wastes to construct and maintain surfaces and barriers

Table A - Specified uses and restrictions

Use	Type of construction	Maximum quantity of waste	Additional restrictions
A	tracks, footpaths, bridleways.	1.2 m ³ of waste in total per metre length of track of no more than 500mm depth for tracks etc.	All contaminative wastes e.g. plastic must have been removed and waste must have been processed to the size required to provide a suitable surface or engineering strength.
B	sub-base for roads.	1.2 m ³ of waste in total per metre length of track of no more than 300mm depth.	
C	hardstanding around gateways.	10 m ³ in a single use.	
D	hardstanding for parking and keeping of vehicles and equipment and keeping livestock off wet ground.	100 m ³ in a single use for general hardstanding areas.	
E	Barriers and walls to protect and secure premises and livestock.	Barriers and walls no more than 1.25m high and 1.5 metres at the base.	
F	Mending of banks for watercourse maintenance. Barriers for flood defence in accordance with any flood permit or exemption where required.	Barriers no more than 1.25m high and 1.5 metres at the base and must be in accordance with permit or exemption.	
G	Soft surfacing for paths and animal standing and exercise areas.	For paths and tracks 1.2 m ³ of waste in total per metre length of no more than 300mm depth. 250 m ³ in a single use for a livestock woodchip pad or corral, no more than 500mm depth.	

Use	Type of construction	Maximum quantity of waste	Additional restrictions
		100 m ³ for any other single use of no more than 300mm depth.	
H	Secure storage prior to uses A-F. Maximum of 100 m ³ (~125 tonnes) of waste in total at any one time pending use.	12 month storage limit.	Must be stored more than 50 metres from a spring, well or borehole and at least 10 metres from any watercourse.
I	Secure storage prior to use G. Maximum of 100 m ³ of waste in total at any one time pending use.	3 months storage limit.	Must be stored more than 50 metres from a spring, well or borehole and at least 10 metres from any watercourse.

Table B - Waste types

Permitted waste types					
Source from which the waste was produced	Sub-source	Waste code	Broad description	Additional restrictions for each waste type and specified uses and storage in Table A	Hazardous waste assessment required
01 Waste resulting from exploration, mining, quarrying and physical and chemical treatment of minerals	01 01 wastes from mineral excavation.	01 01 02 (AN) ¹	Wastes from mineral non-metalliferous excavation.	Restricted to waste overburden and interburden only Uses A,B,C,D,E Storage H	No
	01 04 Wastes from physical and chemical processing of non-metalliferous minerals.	01 04 08 (MN) ²	Waste gravel and crushed rocks other than those mentioned in 01 04 06.	Non-hazardous only Uses A,B,C,D,E Storage H	Yes
		01 04 09 (AN)	Waste sand and clays	Uses A,B,C,D,E Storage H	No
02 Wastes from agriculture, horticulture, aquaculture, forestry, hunting, and fishing, food preparation and processing	02 01 wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing.	02 01 03 (AN)	Plant tissue waste	Restricted to waste wood and bark from natural vegetation Chipped form only Use G only Storage I	No
	02 03 wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses	02 03 99 (AN)	Soil from cleaning and washing vegetables	Use E only Storage H	No

¹ AN – Absolute non-hazardous

² MN - Mirror non-hazardous

Permitted waste types					
Source from which the waste was produced	Sub-source	Waste code	Broad description	Additional restrictions for each waste type and specified uses and storage in Table A	Hazardous waste assessment required
	preparation and fermentation.				
	02 04 waste from sugar processing.	02 04 01 (AN)	Soil from cleaning and washing beet	Use E only Storage H	No
03	03 01 waste from wood processing and the production of panels and furniture.	03 01 01 (AN)	Waste bark and cork	Chipped form only Use G only Storage I	No
	03 03 waste from pulp, paper and cardboard production and processing.	03 03 01 (AN)	Waste bark and wood	Chipped form only Use G only Storage I	No
17 Construction and demolition wastes	17 01 Concrete, bricks, tiles and ceramics.	17 01 01 (MN)	Concrete	Metal from reinforced concrete must have been removed. Uses A,B,C,D,E Storage H	Yes
		17 01 02 (MN)	Bricks	Uses A,B,C,D,E	Yes
		17 01 03 (MN)	Tiles and ceramics	Uses A,B,C,D,E Storage H	Yes
		17 01 07 (MN)	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06	Metal from reinforced concrete must have been removed. Uses A,B,C,D,E Storage H	Yes
	17 03 bituminous mixtures.	17 03 02 (MN)	Bituminous mixtures other than those mentioned in 17 03 01	Non-hazardous bituminous mixtures. Crushed road planings only Uses A,B,C,D	Yes

Permitted waste types					
Source from which the waste was produced	Sub-source	Waste code	Broad description	Additional restrictions for each waste type and specified uses and storage in Table A	Hazardous waste assessment required
				Storage H	
	17 05 Soil stones and dredging spoil.	17 05 04 (MN)	Soil and stones other than those mentioned in 17 05 03	Restricted to topsoil, peat, subsoil and stones only Uses E and F only Storage H	Yes
		17 05 06 (MN)	Dredging spoil other than those mentioned in 170507	Non-hazardous dredging spoil Where dried sand and gravels uses A,B,C,D,E Where not sand and gravels uses E and F only Storage H	Yes
19 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	19 12 Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified.	19 12 09 (AN)	Minerals (for example sand, stones) only	Restricted to wastes from treatment of waste aggregates that are otherwise naturally occurring minerals Does not include fines from treatment of any non-hazardous waste or gypsum from recovered plasterboard Uses A,B,C,D,E	No
		19 12 12 (MN)	Other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11	Restricted to crushed bricks, tiles, concrete and ceramics only Metal from reinforced concrete must have been removed Does not include fines from treatment	Yes

Permitted waste types					
Source from which the waste was produced	Sub-source	Waste code	Broad description	Additional restrictions for each waste type and specified uses and storage in Table A	Hazardous waste assessment required
				of any non-hazardous waste or gypsum from recovered plasterboard Uses A,B,C,D,E Storage H	
20 Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions	20 02 garden and park wastes	20 02 01 (AN)	Biodegradable waste	Natural wood in chipped form only Use G only Storage I	No
		20 02 02 (AN)	Soil and stones	Restricted to topsoil, peat, subsoil and stones only Uses E and F only Storage H	No

Annex 3 - T4 Preparatory treatments, baling, sorting, shredding

Part 1: Specific issues and proposed changes

	Issue detail	Rationale for change	Proposed changes
Risks from stockpiling	Stockpiling of waste is a common issue on T4 sites and can lead to risks of abandonment and fire. Collected waste should be treated and either totally recovered or sent onto a final recovery site as soon as possible to ensure that it does not deteriorate to the point that recovery becomes more difficult.	Currently very high quantities especially as many of the wastes types are volumetrically high as very light e.g. plastics and food and drink cartons. Current acceptance limits in excess of those permitted by standard rules.	3 month storage to encourage turnover. Therefore reduced all storage limits to 100 m ³ for each waste type.
Risks from combustible wastes	The wastes have been identified as combustible and therefore vulnerable to the risk of fire	All combustible wastes should have the same controls as identified in the Fire Prevention Plan Guidance to reduce and control the risk from fire where that risk is the same as a permitted site.	3 month storage limit for combustible wastes to align with the FPP Guidance. Waste stacks and piles limited to 4m high. Storage quantities of 100 m ³ less than that of permitted sites and therefore not all the FPP requirements are needed.
Storage of multiple wastes increasing overall risk	T4 has a wide range of wastes that can be stored and treated at the moment there is no limit on the total amount of waste that can be stored.	Reduce overall storage and throughput quantities to an order or magnitude less than standard rules and bespoke permits. Encourages throughput and discourages stockpiling which is a fire-risk and often reduces the recoverability of waste as it deteriorates over time.	Individual storage limits in m ³ for all waste types. Total of 300 m ³ of any combination of the wastes on site at any one time.
Total yearly processing rates significantly in excess of even bespoke treatment permits	If the maximum 7-day processing capacity for all wastes was reached the site would be processing over 900,000 tonnes per year. Even individual limits for each waste are excessively high. Ranging between 5,200 –	Multiple waste streams treated on the same site increase the risk of the exempt activity. Exempt activities should be of a lower risk than permitted operations and processing quantities should not be in excess of standard or bespoke permits e.g. The following allow only 5000t per year. • SR2008No15 Materials recycling facility (no	Decrease overall annual acceptance to 500 tonnes with individual acceptance limits for each waste type.

	Issue detail	Rationale for change	Proposed changes
	<p>260,000 tonnes per year.</p> <p>These are serious quantities which pose high risks of fire in particular and should be controlled through the permitting process and associated compliance assessment activities such as inspection.</p>	<p>building)</p> <ul style="list-style-type: none"> SR2008No22 Materials recycling facility (no building) 	
Treatment activities	<p>Granulation not currently listed as a treatment.</p> <p>It's not clear whether densifying of waste through extrusion which produces heat is allowed.</p>	<p>Add granulation to the list of treatments as it does not increase the overall risk of the activity.</p> <p>Extrusion was not meant to be excluded from the current exemption.</p>	<p>Granulation added.</p> <p>Clarified when heat is permitted as part of the treatment process.</p>
Containment	<p>No sealed drainage to prevent contaminated effluent from waste entering controlled waters.</p> <p>Containment to prevent litter from paper and cardboard.</p>	<p>Standardising appropriate containment across exemptions.</p>	<p>Sealed drainage put in for wastes that could be contaminated with other substances particularly food and drink.</p> <p>Widened to include same containment measures for plastics, cans and foil and food and drink cartons.</p>
Changes to waste coding	<p>07 02 13 Food and drink cartons only.</p>	<p>This code refers to a process waste. This is a production process waste not a product that is waste. Food and drink cartons will all be Chapter 15 waste, even if arising from a production process.</p>	<p>Remove this code.</p>

Part 2: Option 2 proposal

T4 - Treatment of relevant waste by baling, sorting, shredding, pulverising, densifying, crushing, granulating or compacting it

All	Current conditions	Changes proposed under Option 2
Specified	Treatment of relevant waste by baling, sorting, shredding, pulverising,	Treatment of relevant waste by baling, sorting, shredding, pulverising, <u>granulating</u> , densifying,

All activities	Current conditions			Changes proposed under Option 2		
	densifying, crushing or compacting it. Associated storage. <ul style="list-style-type: none"> Where the treatment involves pulverising waste <ul style="list-style-type: none"> the total quantity of waste over any 7 day period does not exceed 5 tonnes. The treatment is carried out indoors. Where the treatment involves densifying of waste the treatment does not involve the application of heat. 			crushing or compacting it. Associated storage. <ul style="list-style-type: none"> Where the treatment involves pulverising or granulating the waste <ul style="list-style-type: none"> the total quantity of waste over any 7 day period does not exceed 2 tonnes. The treatment is carried out indoors. Where the treatment involves densifying of waste the treatment does not involve the external application of heat. Heat produced as a by-product during the extrusion process is permitted. 		
General conditions applying to all wastes	<ul style="list-style-type: none"> Must be treated and stored in a secure place. The waste arrives at the place where the operation is carried out in an unmixed state The waste is stored and treated in an unmixed state. 			<ul style="list-style-type: none"> Must be treated and stored in a secure place. Storage up to 3 months in total before and after treatment (unless fully recovered and no longer waste). Max stack height 4m. The waste arrives at the place where the operation is carried out in an unmixed state Each waste type must be stored separately and not mixed together during any treatment. Where more than one waste type is accepted at the site the total of all wastes accepted at the site must not exceed 500 tonnes per year. Where more than one waste type is accepted at the site the total of all wastes stored at the site must not exceed 300 m³ (60-150 tonnes) at any one time. No individual pile or stack may exceed 100 m³. Each stack or where stored in a container each container must be accessible in case of fire. 		
Waste type	Waste codes	Annual acceptance) (tonnes) / 7-day limit	Storage limits and conditions	Waste codes	Annual acceptance (tonnes) / 7-day limit	Storage limits and conditions
Cans and foil only	15 01 04 20 01 40	100 tonnes per 7 day period (outdoors) (= 5,200 tonnes per year) 500 tonnes per 7 day period (indoors)(= 26,000 tonnes per year)	<ul style="list-style-type: none"> 12 months 500 tonnes 	15 01 04 20 01 40	100 tonnes (434 m ³) per year 2 tonnes per 7 day period	<ul style="list-style-type: none"> 3 months 100 m³ (23 tonnes) Packaging waste that has contained food or drink must be stored on sealed drainage Must be baled or in an enclosure designed and maintained to prevent the escape of litter stored outside.
Food and drink cartons only	07 02 13 15 01 02 15 01 05	100 tonnes per 7 day period (outdoors) (= 5,200 tonnes per year) 3,000 tonnes per 7 day period (outdoors) (= 156,000 tonnes per year)	<ul style="list-style-type: none"> 12 months 500 tonnes 	07 02 13 15 01 02 15 01 05	100 tonnes (500 - 714 m ³) per year. 2 tonnes per 7 day period	<ul style="list-style-type: none"> 3 months. 100 m³ (14-22 tonnes) Must be stored on sealed drainage. When stored outside must be baled or in an enclosure designed and maintained to prevent the escape of litter stored outside.

All	Current conditions			Changes proposed under Option 2		
Glass	15 01 07 16 01 20 17 02 02 19 12 05 20 01 02	5,000 tonnes per 7 day period (=260,000 tonnes per year)	<ul style="list-style-type: none"> 12 months 5,000 tonnes 	15 01 07 16 01 20 17 02 02 19 12 05 20 01 02	300 tonnes (352 – 909 m ³) per year 6 tonnes per 7 day period	<ul style="list-style-type: none"> 3 months. 100 m³ (33-85 tonnes). Must be stored on sealed drainage.
Paper and cardboard (excluding food and drink cartons)	03 03 08 03 03 07 15 01 01 19 12 01 20 01 01	500 tonnes per 7 day period (outdoors) (= 26,000 tonnes per year) 3,000 tonnes per 7 day period (outdoors) (= 156,000 tonnes per year)	<ul style="list-style-type: none"> 12 months 15,000 tonnes Up to 1,000 tonnes may be stored outdoors so long as it is stored in an enclosure designed and maintained to prevent the escape of litter. 	03 03 08 03 03 07 15 01 01 19 12 01 20 01 01	300 tonnes per year (333 – 1428 m ³) 6 tonnes per 7 day period	<ul style="list-style-type: none"> 3 months. 100 m³ (21 tonnes – 90 tonnes if 03 03 07). Must be baled or in an enclosure designed and maintained to prevent the escape of litter if stored outside.
Plastic	02 01 04 07 02 13 12 01 05 15 01 02 16 01 19 17 02 03 20 01 39 19 12 04	100 tonnes per 7 day period (outdoors) (= 5,200 tonnes per year) 3,000 tonnes per 7 day period (indoors) (= 156,000 tonnes per year)	<ul style="list-style-type: none"> 12 months 500 tonnes 	02 01 04 07 02 13 12 01 05 15 01 02 16 01 19 17 02 03 20 01 39 19 12 04 – clean plastics only	100 tonnes (278 -715 m ³) 2 tonnes per 7 day period	<ul style="list-style-type: none"> 3 months. 100 m³ (14 -36 tonnes). Packaging waste that has contained food or drink must be stored on sealed drainage. Must be baled or in an enclosure designed and maintained to prevent the escape of litter if stored outside.
Textiles and clothes – outdoors	04 02 22 15 01 09 19 12 08 20 01 10 20 01 11	1,000 tonnes per 7 day period (outdoors) (= 52,000 tonnes per year)	<ul style="list-style-type: none"> 12 months 1,000 tonnes 	04 02 22 15 01 09 19 12 08 20 01 10 20 01 11 ⁹	500 tonnes (3,703- 5,882 m ³) 10 tonnes per 7 day period	<ul style="list-style-type: none"> 3 months 400 m³ (68 -108 tonnes).

⁹ A crossed-through waste code indicates we are proposing not to keep it

All	Current conditions			Changes proposed under Option 2		
Textiles and clothes - indoors	04 02 22 15 01 09 19 12 08 20 01 10 20 01 11	3,000 tonnes per 7 day period (indoors) = 156,000 tonnes per year	<ul style="list-style-type: none"> • 12 months • 1,000 tonnes 	04 02 22 15 01 09 19 12 08 20 01 10 20 01 11	100 tonnes per year 2 tonnes per 7 day period	<ul style="list-style-type: none"> • 3 months. • 100 m³ (17-27 tonnes).

Annex 4 - T6 Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising

Part 1: Specific issues and proposed changes

	Issue detail	Rationale for change	Proposed changes
Risks from stockpiling	Stockpiling of waste is a common issue on T6 sites and can lead to risks of abandonment and fire.	Collected waste should be treated and sent onto a recovery site as soon as possible to ensure that it does not deteriorate to the point that recovery becomes more difficult.	3 month storage to encourage turnover. Therefore reduced storage limit to 300 m ³ in total on site regardless of the stage of processing or storage.
Risks from combustible wastes	Wood is a combustible waste and has a high risk of fire. Chipped wood especially can start to degrade rapidly and self-ignite.	All combustible wastes should have the same controls as identified in the Fire Prevention Plan (FPP) Guidance to reduce and control the risk from fire where that risk is the same as a permitted site. Where that risk is lower the controls can be less restrictive.	3 month storage limit for combustible waste to align with the FPP Guidance. Waste stacks and piles limited to 4m high in accordance with FPP Guidance. Storage quantities are less than that of permitted sites and therefore not all the FPP requirements are needed.
Risks from specific types of waste Wood from construction 17 02 01	Hazardous waste wood is being mixed with non-hazardous waste wood either at the place of production (prior to collection) or at the T6 Treatment facility. Proper assessment in accordance with WM3 is not being carried out and the hazardous waste wood is not being separated out. In particular 17 02 01 is a non-hazardous mirror entry code that requires a hazardous waste assessment to be carried out.	A non-hazardous mirror entry code cannot legally be assigned to an item of treated wood (or any mixed wood waste that contains it) unless an appropriate assessment has been performed (in accordance with technical guidance WM3). The consequence of not carrying out this assessment is that the wood is chipped and then goes down the wrong recovery route. It can end up in animal bedding which is then later spread to land. Most ends up being burnt for energy recovery but if it hasn't been properly assessed it will end up at the wrong type of facility without appropriate environmental controls. Hazardous waste wood and treated waste wood are subject to Chapter IV of the Industrial Emissions Directive (IED) which specify the standards that	We propose removing 17 02 01 wood from construction from T6.

	Issue detail	Rationale for change	Proposed changes
		must be adhered to to prevent pollution of the environment and harm to human health.	
Changes to waste coding or description	Wood 03 01 01	03 01 01 should be described as waste bark and cork not wood.	Change to bark and cork. Update all descriptions to make sources more explicit.

Part 2: Option 2 - Proposal

T6 -Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising

All	Current conditions			Changes proposed under Option 2		
Specified activities	Chipping, shredding, cutting, pulverising and associated storage.			Sorting, chipping, shredding, cutting, pulverising and associated storage.		
General conditions applying to all wastes	None			Where there is no sealed drainage then the site must be more than 50m from a spring, well or borehole and 10 metres from any water course.		
Waste types	Waste codes	Waste acceptance	Storage limits and conditions	Waste codes	Waste acceptance	Storage limits and conditions
Plant tissue waste	02 01 03	26,000 tonnes per year 500 tonnes per 7-days	3 months after treatment No limit before treatment 500 tonnes treated	02 01 03, Plant tissue waste from agriculture, horticulture, aquaculture, forestry, hunting and fishing	500 tonnes per year Maximum acceptance 10 tonnes per week (30 m3)	3 months total on site Maximum of 300m ³ of waste on site at any one time. (3 months' worth at 30m ³ per week) Max stack height 4m
Plant tissue waste	200201		No containment measures specified	200201, Plant tissue waste from parks and gardens (including cemeteries)		
Wood	030101, 030301, 170201			030301, Wood and bark wastes from pulp, paper and cardboard production and processing		

All	Current conditions			Changes proposed under Option 2		
Wooden packaging only	150103			150103, Wooden packaging only		
				030101, Waste bark and cork wastes from wood processing and the production of panels and furniture		

Annex 5 - T8 Mechanical treatment of end-of-waste tyres

Part 1: Specific issues and proposed changes

	Issue detail	Rationale for change	Proposed changes
Illegal disposal	The main issue is that the exemption is used for illegal disposal rather than recovery.	Reducing quantities of tyres allowed will help to identify more quickly when a site is being operated illegally. T8 activities often undercut permitted waste operations where there are tighter restrictions and more checks on compliance through site inspection which is funded through permit subsistence charges.	Very strict limits and conditions that will mean most will need to be permitted.
Annual waste acceptance	There is no annual waste acceptance but the 40 tonnes a week treatment limit equates to 249,600 car or van tyres.	Lowering the quantities significantly means that it can be identified earlier if an exempt activity is becoming out of control.	Restrict to 20 tonnes per year.
Risks from combustible wastes and stockpiling	Tyres especially any that have been contaminated have been identified as a combustible waste. Stockpiling and abandonment are common.	All combustible wastes should have the same controls as identified in the Fire Prevention Plan Guidance to reduce and control the risk from fire relative to the size and risk of the exempt activity. Lowering the quantities significantly means that it can be identified earlier if an exempt activity is becoming out of control.	3 months storage limit. Maximum 4m height stack. Max 2.5 tonnes storage.

Part 2: Option 2 - Proposal
T8 - Mechanical treatment of end-of-waste tyres

All	Current conditions			Changes proposed under Option 2		
Specified activities	<ul style="list-style-type: none"> • Cleaning tyres and separating from rims • Re-treading of tyres for re-use • Baling, peeling, shaving, shredding • Granulating • Associated storage 			<ul style="list-style-type: none"> • Cleaning tyres and separating from rims • Re-treading of tyres for re-use • Baling, peeling, shaving, shredding • Granulating • Associated storage 		
General conditions applying to all wastes	Granulating is carried on indoors only			Granulating is carried on indoors only		
Waste types	Waste codes	Annual acceptance (tonnes) / 7-day throughput	Storage limits and conditions	Waste codes	Annual acceptance (tonnes) / 7-day throughput	Storage limits and conditions
End of life tyres and shredded or granulated end-of-life tyres	16 01 03 19 12 04	60 tonnes of truck tyres per 7 days (1200 commercial tyres per 7 days or 62,400 per year) OR 40 tonnes of any other tyres per 7 days (4800 car or van tyres per 7 days or 249,600 tyres per year)	3 months Combined storage limit of all wastes stored on site at any one time limited to 60 tonnes (1200 commercial tyres/4800 car or van tyres)(128-214 m ³) No waste pile may be more than 10 tonnes	16 01 03 19 12 04	20 tonnes per year (2,400 car or van tyres or 400 commercial tyres) Max 0.5 tonne (60 tyres) end-of life tyres in any form per week. (10 Commercial tyres) (0.5 tonnes of shred)	3 months Combined storage limit of whole tyres or treated tyres (tyre crumb, shavings etc.) stored on site limited to 2.5 tonnes Max stack height 4m Where stored in containers each container must be accessible in case of fire

Annex 6 - T9 Recovery of scrap metal

Part 1: Specific issues and proposed changes

	Issue detail	Rationale for change	Proposed changes
Annual waste acceptance	There is no annual waste acceptance.	T9 activities are often situated in small yards close to residential and other business properties.	Restrict to 500 tonnes per year.
Risks from combustible wastes	Scrap metal, especially any contaminated with oil, has been identified as a combustible waste.	All combustible wastes should have the some controls as identified in the Fire Prevention Plan Guidance to reduce and control the risk from fire relative to the size and risk of the exempt activity. Storage quantities are less than that of permitted sites and therefore not all the FPP requirements are needed.	No waste is stored longer than 12 months. 3 month storage limit for metal wastes that have oil contamination. 3 months for cable rubber, plastic and other non-metal wastes. Waste stacks and piles limited to 4m high. Limit to 500 m ³ total storage and 250 m ³ maximum stack size. Requirement to ensure access to all waste in case of fire.
Additional treatment activities being carried out under T9	Stripping and granulation often carried out already on these sites but not specified in the treatment activities.	The activity is useful and low-risk and is covered by the low-risk position LRP515. Adding it to the T9 means the position can be removed.	Stripping and granulation of cables added to the list of treatment activities. Separate storage conditions and quantity limits set for stripped cable and resulting plastic and rubber waste.
Risks from specific types of waste Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified 191202 – Ferrous metals 191203 – Non-ferrous metals 150104 Metallic packaging	Metals segregated at MRFs are often not clean (containing contraries, plastics etc.) and can give rise to odour, flies and high Biological Oxygen Demand run-off Packaging waste can contain residues such as food and drink that are odorous and attract flies, or oil and chemicals that are highly polluting.	T9 activities are often situated in small yards close to residential and other business properties. Odour and flies are a particular nuisance and any activities involving these wastes should be carried out away from such properties and ideally in a building.	We propose removing codes 191202 and 191203 from this exemption. Keep 150104 but limited to only clean packaging.

	Issue detail	Rationale for change	Proposed changes
Waste acceptance	Many sites accept wastes that are from prohibited sources as the operator finds it hard to understand the coding. This leads to problematic wastes being accepted.	Wastes cause issues such as odour, flies etc.	Make the waste descriptions more explicit and state the sources of the waste.
	Many sites accept WEEE which is not permitted under this exemption.	There are specific handling and treatment standards for WEEE that mean that a permit is required.	Make it explicit in the exemption title that WEEE is excluded. Exclude it in the list of activities.
Sealed drainage	Common issue when visiting sites is that the storage and treatment areas are not on sealed drainage.	This is a requirement but it is not worded clearly in the exemption.	Clarify requirement that all storage and treatment areas are on sealed drainage.

Part 2: Option 2 - Proposal

T9 - Recovery of scrap metal (excluding WEEE)

All	Current conditions				Changes proposed under Option 2			
Specified activities	Sorting, grading shearing by manual feed, baling, crushing. Cutting it with hand-held equipment. Associated storage.				Sorting, grading shearing by manual feed, baling, crushing. Cutting with hand-held equipment. Stripping and granulation of cables. Associated storage. Waste classified as WEEE is excluded.			
General site conditions applying to all waste.	Recovery is carried on at a location with sealed drainage.				All storage and treatment areas are on sealed drainage.			
Scrap metal	Waste codes	Annual acceptance (tonnes) / 7-day limit	Storage time and quantity limits	Other conditions	Waste codes	Annual acceptance (tonnes) / 7-day limit	Storage time and quantity limits	Other conditions

All	Current conditions				Changes proposed under Option 2			
	02 01 10 15 01 04 16 01 17 16 01 18 19 12 02 19 12 03 17 04 01 17 04 02 17 04 0317 04 04 17 04 05 17 04 06 17 04 07 17 04 11 20 01 40	No annual waste acceptance specified. No weekly throughput specified.	No waste is stored longer than 24 months. 1000 tonnes on site at any one time. Total quantity of any cables stored or treated does not exceed 50 tonnes.	Height of any stack or pile does not exceed 5 metres.	02 01 10 15 01 0416 01 17 16 01 18 19 12 02 19 12 03 ¹⁰ 17 04 01 17 04 02 17 04 03 17 04 04 17 04 05 17 04 06 17 04 07 17 04 11 20 01 40	500 tonnes per year.	No waste is stored longer than 12 months. 3 month storage limit for metal wastes that have oil contamination. 3 months for cable rubber and plastic and any other non-metal waste separated from metal. 500 m ³ on site at any one time. Maximum stack size 250 m ³ (27.5-225 tonnes - weight depending on metal type) on site at any one time. Stripped Cables – Maximum 25 m ³ stored in container(s). Cable rubber and plastic covers when stripped and any other non-metal waste – Maximum 10 m ³ stored in container(s).	Height of any stack or pile does not exceed 4m. Waste stacks must be accessible in case of fire. Where stored in containers each container must be accessible in case of fire.

¹⁰ A crossed-through waste code indicates we are proposing not to keep it

Annex 7- T12 Manual treatment of waste

Part 1: Specific issues and proposed changes

	Issue detail	Rationale for change	Proposed changes
Risks from stockpiling	Stockpiling of waste is a common issue on T12 sites and can lead to risks of abandonment and fire.	No annual throughput currently - Added annual throughput for each waste type. Where appropriate this is expressed as a unit rather than a tonnage.	3 month storage to encourage turnover. Reduced all acceptance limits for each waste type.
Risks from combustible wastes	Some of the wastes have been identified as particularly vulnerable to the risk of fire.	All combustible wastes should have the same controls as identified in the Fire Prevention Plan Guidance to reduce and control the risk from fire where that risk is the same as a permitted site.	3 month storage limit for combustible wastes to align with the FPP Guidance. Waste stacks and piles limited to 4m high. Storage quantities less than that of permitted sites and therefore not all the FPP requirements are needed.
Storage of multiple wastes increasing overall risk	T12 has a wide range of wastes that can be stored and at the moment there is no limit on the total amount of waste that can be stored.	Reduce overall storage and throughput quantities to an order or magnitude less than standard rules and bespoke permits. Encourages throughput and discourages stockpiling which is a fire-risk and often reduces the recoverability of waste as it deteriorates over time.	Individual storage limits in m ³ for all waste types. Total of 300 m ³ of any of the wastes or combination of on site at any one time.
Treatment activities being carried out under T12	There are separate treatment limits depending on what sort of treatment is being carried out.	This makes understanding the quantity limits quite complicated. Under the new proposals the individual and overall limits are much reduced it and it makes less sense to have different limits.	Amalgamate treatment activities and put one single limit per waste type.
Unsuitable storage for recovery or reuse to be achieved	Wastes stored inappropriately cannot be recovered properly Following the waste hierarchy re-use should be a priority followed by recycling into another use.	Where storage outside is likely to reduce the reuse of the waste or reduce its capacity to be recycled then it should be stored indoors or in a covered container.	Made storage to be inside a building where storing outside would make the waste harder if not impossible to prepare for recycling or reuse.
Unsuitable storage or treatment resulting in amenity issues	Some wastes give rise to amenity issues through noise, dust, odour or attraction of pests and vermin.	Some wastes especially if they are stockpiled outside provide places for vermin to live and can attract vermin and pests into an area. Wastes can also start to degrade more rapidly if they become	Made storage and or to be inside a building where waste can cause amenity issues or degrade.

	Issue detail	Rationale for change	Proposed changes
		wet and can cause odours. In addition degradation of the waste makes it harder if not impossible to prepare for recycling or reuse.	
Making storage a treatment limits clearer	Some wastes e.g. pallets have different limits set out in different rows depending on the type of treatment.	These can be confusing and the overall limits have been significantly reduced meaning that there is no need to have separate limits. This makes it simpler to understand and enforce.	Rows for treatment of windows and doors and for pallets have been merged.
Risks from specific types of waste Mattresses	There is an increasing problem with collection and stockpiling of mattresses. This leads to abandonment, risk of fire and attraction of pests nesting in the mattresses.	These wastes are easy to collect but difficult to dismantle and the resultant materials are of low-value. Profit is mainly through the collection or gate fee. It's likely that only through economies of scale provided by a permitted facility and through any future extended producer responsibility scheme would make this activity profitable and less likely to attract waste crime.	As a result we propose to remove mattresses from T12 altogether.
Waste coding and description	20 01 99 Bicycles 20 01 99 Footwear	Bicycles are vehicles and should be coded as 16 01 06. Footwear is classified as clothing and should be coded 20 01 10. Add 17 05 04 to allow stone only. Add 17 09 04 to windows to allow composites.	Add, remove or change relevant codes and descriptions.

Part 2: Option 2 – Proposal T12 - Manual treatment of waste

All	Current conditions				Changes proposed under Option 2			
Specified activities	Waste specific but includes: Sorting, repairing, refurbishing, dismantling and associated storage.				Waste specific but includes: Sorting, repairing, refurbishing, dismantling and associated storage.			
General conditions applying to all wastes	None				<ul style="list-style-type: none"> • Must be treated and stored in a secure place. • The waste arrives at the place where the operation is carried out in an unmixed state. • Each waste type must be stored separately and not mixed together during any treatment. • Where more than one waste type is accepted at the site the total of all wastes accepted at the site must not exceed 500 tonnes per year. • Where more than one waste type is accepted at the site the total of all wastes stored at the site must not exceed 300 m³. • No waste stack before or after treatment may exceed the storage limits for the specified waste type. • Max stack height 4m. • Each pile or stack or where stored in a container each container must be accessible in case of fire. 			
Waste type	Waste codes	Annual acceptance (tonnes) / 7-day limit	Treatments	Storage limits and conditions	Waste codes	Annual acceptance	Treatments	Storage limits and conditions
Bicycles and bicycle parts only	20 01 99	None	Sorting, repairing or refurbishing	2 years 100 tonnes	16 01 06	1000 bicycles per year	Sorting, repairing or refurbishing	12 months 100 bicycles at any one time. Treatment and storage carried on indoors
Clothing, fabrics, carpets only	20 01 10 20 01 11	None	Sorting, repairing or refurbishing	2 years 100 tonnes	20 01 10 20 01 11	100 tonnes per year	Sorting, repairing or refurbishing	3 months 100 m ³ (17-27 tonnes depending on material) Treatment and storage carried on indoors
Coat hangers only	20 01 38 20 01 39 20 01 40	None	Sorting and dismantling	12 months 100 tonnes	20 01 38 20 01 39 20 01 40	50 tonnes per year	Sorting and dismantling	3 months 50 m ³ (11.5 tonnes)
Domestic pots and pans only	20 01 40	None	Sorting and dismantling	2 years 100 tonnes	20 01 40	50 tonnes per year	Sorting and dismantling	12 months 50 m ³

All	Current conditions				Changes proposed under Option 2			
Footwear only	20 01 99	None	Sorting, repairing or refurbishing	2 years 100 tonnes	20 01 10	100 tonnes per year	Sorting, repairing or refurbishing	3 months 100 m ³ (17-27 tonnes) Treatment and storage carried on indoors
Furniture only	20 03 07	None	Sorting, repairing or refurbishing	2 years 100 tonnes	20 03 07	50 tonnes per year	Sorting, repairing or refurbishing	12 months 200 m ³ (34 – 54 tonnes) Treatment and storage carried on indoors
Garden tools only	20 01 38 20 01 39 20 01 40	None	Sorting, repairing or refurbishing	2 years 100 tonnes	20 01 38 20 01 39 20 01 40	50 tonnes per year	Sorting, repairing or refurbishing	12 months 50 m ³
Lock gates only	20 01 38 20 01 39 20 01 40	None	Sorting and dismantling	2 years 100 tonnes	20 01 38 20 01 39 20 01 40	100 tonnes per year	Sorting and dismantling	12 months 50 lock gates
Mattresses only	20 03 07	None	Sorting and dismantling	12 months 5 tonnes Treatment and storage carried on indoors				
Stone, bricks, wood only	17 01 02 17 02 01 17 09 04 20 01 38	None	Sorting, repairing or refurbishing	500 tonnes	17 01 02 17 02 01 17 09 04 20 01 38 17 05 04	100 tonnes per year	Sorting, repairing or refurbishing	12 months 100 m ³
Telegraph poles only	20 01 37* ¹¹ 20 01 38 20 01 40	None		12 months 100 tonnes	17 02 01, 17 02 04*	100 tonnes per year	Sorting and dismantling	12 months 200 telegraph poles

¹¹ an asterisk (*) next to a code denotes that it is hazardous waste.

All	Current conditions				Changes proposed under Option 2			
Windows, doors only	17 02 01 17 02 02 17 02 03 20 01 02 20 01 38 20 01 39 20 01 40	None	Sorting, repairing or refurbishing	100 tonnes - sorting , repairing or refurbishing (2 years) 10 tonnes sorting and dismantling (12 months)	17 02 01 17 02 02 17 02 03 20 01 02 20 01 38 20 01 39 20 01 40 17 09 04	100 tonnes per year	Sorting, repairing, refurbishing or dismantling	3 months 50 m ³
Wooden pallets only	15 01 03	None	Sorting, repairing or refurbishing	100 tonnes - sorting , repairing or refurbishing (2 years) 100 tonnes sorting and dismantling (12 months)	15 01 03	100 tonnes per year	Sorting, repairing, refurbishing or dismantling.	3 months 100 m ³

Annex 8 - D7 Burning waste in the open

Part 1: Specific issues and proposed changes

	Issue detail	Rationale for change	Proposed changes
Burning waste not at the place of production	This exemption is sometimes abused by collectors of waste or businesses that produce vegetation waste as part of their business. They gather waste from several sites and burn at a central location such as their depot.	Disposal is only permitted to be carried out at the place where the waste was produced but this could be made clearer in the exemption conditions.	Make the title of the exemption and the specified activities clearer.
Risks from combustible wastes	Wood and vegetation is a combustible waste and has a high risk of fire. Chipped wood especially can start to degrade rapidly and self-ignite.	All combustible wastes should have the same controls as identified in the Fire Prevention Plan (FPP) Guidance to reduce and control the risk from fire where that risk is the same as a permitted site. Where that risk is lower the controls can be less restrictive.	3 month storage limit for combustible waste to align with the FPP Guidance. Waste stacks and piles limited to 4m high in accordance with FPP Guidance. Storage quantities less than that of permitted sites and therefore not all the FPP requirements are needed.
Removal of specific types of waste 03 01 05 - wastes from wood processing and the production of panels and furniture 03 03 01 - wastes from pulp, paper and cardboard production and processing	The exemption currently allows the burning of off-cuts from furniture manufacture and paper production. One on the waste codes for off-cuts of furniture is a Mirror entry.	Waste wood off-cuts produced in a work-shop or factory setting could be better used as a fuel in a heating or power appliance. Or separately collected for recycling. Waste that have Mirror entry codes are legally required to be assessed to ascertain their hazardous waste status.	Propose removing these codes.
Other changes to waste codes and descriptions	02 01 07 would captures waste from forestry that are not plant tissue.	Wrong code.	Remove code 02 01 07.

Part 2: Option 2 - Proposal
D7 - Burning of vegetation and wood at the place of production only

All	Current conditions			Changes proposed under Option 2		
Specified activities	The burning of relevant waste on open land			Burning of vegetation and wood at the place of production only		
General conditions applying to all wastes	<ul style="list-style-type: none"> The total quantity of waste burned over any period of 24 hours does not exceed 10 tonnes The total quantity of waste stored at any one time is 20 tonnes The waste is stored no longer than 6 months 			<ul style="list-style-type: none"> The total quantity of waste burned over any period of 24 hours does not exceed 20 m³. The total quantity of waste pending disposal by burning in the open is 40 m³ any one time. The waste is stored no longer than 3 months pending disposal by burning. 		
Waste types	Waste codes	Annual waste acceptance/ treatment limit	Storage limits and conditions	Waste codes	Annual waste acceptance / treatment limit	Storage limits and conditions
Plant tissue	02 01 03 02 01 07 20 02 01	No yearly quantity as on site of production.	6 months 20 tonnes	02 01 03 02 01 07 20 02 01 Plant tissue consisting of Cut vegetation and plant tissue waste from the clearance and maintenance of agricultural premises, parks and gardens and other land. Including untreated waste bark and wood.	No yearly quantity as on site of production. 20 m ³ per 24 hours.	40 m ³ of waste pending disposal by burning at any one time. Maximum height of stack or pile 4 metres.
Sawdust, shavings and cuttings from untreated wood only	03 01 05			03 01 05		

All	Current conditions			Changes proposed under Option 2		
Waste bark and wood	030301			030301 ¹²		

¹² A crossed-through waste code indicates we are proposing not to keep it

Annex 9 - Temporary storage of waste under S1 and S2

Part 1: Specific issues and proposed changes

Issues specific to S1 Storage of waste in secure containers and proposed changes

	Issue detail	Rationale for change	Proposed changes
Risks from combustible wastes	Some of the wastes have been identified as particularly vulnerable to the risk of fire.	All combustible wastes should have the same controls as identified in the Fire Prevention Plan Guidance to reduce and control the risk from fire where that risk is the same as a permitted site.	3 month storage limit for all wastes to align with the FPP Guidance. Storage quantities less than that of permitted sites and therefore not all the FPP requirements are needed. Retain 3 m ³ for waste oils and absorbents.
Treatment activities being carried out under S1	This exemption is often registered and treatments are also carried out on the site. The exemption specifically states that it is for recovery elsewhere.	By making the title clearer the customer can see right away that the waste can only be stored and not recovered at the site. All other exemptions have their own associated storage limits and conditions set out. Storage at the place of production is covered by the non-registerable exemption NWFD2.	Suggested title changes – proposed tables below.
Registering storage and treatment exemptions together to increase overall capacity	This exemption is often registered and treatments are also carried out on the site. The exemption specifically states that it is for recovery elsewhere.	Each exemption is risk-assessed on its own merits. When combinations of exempt operations are registered together that changes and often increases the risk profile.	Restrict the types of exemptions that can be registered together then we keep the overall risk of the combined activities low.
Risks from specific types of waste Waste oils	There are a range of additional oils that are of no higher risk than those already listed and are currently covered by a low-risk position LRW545 https://www.gov.uk/government/publications/low-risk-waste-activities-guidance	Where there is no higher risk and a need has been identified then the waste codes and waste types should be added to the exemption.	Add appropriate codes and conditions to allow storage only. 13 03 01* insulating or heat transmission oils containing PCBs 13 03 06* mineral-based chlorinated insulating and heat transmission oils other than those mentioned in 13 03 01 13 03 07* mineral-based non-chlorinated insulating and heat transmission oils 13 03 08* synthetic insulating and heat

	Issue detail	Rationale for change	Proposed changes
			transmission oils 13 03 09* readily biodegradable insulating and heat transmission oils

Issues specific to S2 and storage in a secure place and proposed changes

	Issue detail	Rationale for change	Proposed changes
Risks from stockpiling	Stockpiling of waste is a common issue on S2 sites and can lead to risks of abandonment and fire. Collected waste should be sent onto a recovery site as soon as possible to ensure that it does not deteriorate to the point that recovery becomes more difficult.	It appears that the maximum size skip (Roll-on / Roll-Off (Ro-Ro)) is around 40 yd ³ or 30.58 m ³ . As only one Ro-Ro can be carried on a vehicle at a time then there is no need to store more than this and frequent turn-over rather than stock-piling would be encouraged. Smaller containers / collection vehicles can be used where preferred.	3 month storage to encourage turnover. Therefore reduced all storage limits to 40 m ³ for each waste type for each of the main recyclable waste – cartons, plastics and plastic packaging, can and foil only, paper and cardboard, glass, textiles and clothes.
Risks from combustible wastes	Some of the wastes have been identified as particularly vulnerable to the risk of fire.	All combustible wastes should have the same controls as identified in the Fire Prevention Plan Guidance to reduce and control the risk from fire where that risk is the same as a permitted site.	3 month storage limit for combustible wastes to align with the FPP Guidance. Waste stacks and piles limited to 4m high. Storage quantities less than that of permitted sites and therefore not all the FPP requirements are needed.
Storage of multiple wastes increasing overall risk	S2 has a wide range of wastes that can be stored and at the moment there is no limit on the total amount of waste that can be stored.	Break the tables into two so that an overall limit can be set to ensure that quantities stored are not excessive. Allow one skip of each specified waste type up to 5 different waste types	That would be a total of 186 m ³ of these types of waste on site at any one time.
Treatment activities being carried out under S2	This exemption is often registered and treatments are also carried out on the site. The exemption specifically states that it is for recovery elsewhere.	By making the title clearer the customer can see right away that the waste can only be stored and not recovered at the site. All other exemptions have their own associated storage limits and conditions set out.	Suggested title - S2 temporary storage of waste in a secure place for recovery at another place.

	Issue detail	Rationale for change	Proposed changes
		Storage at the place of production is covered by the non-registerable exemption NWFD2.	
Registering storage and treatment exemptions together to increase overall capacity	This exemption is often registered and treatments are also carried out on the site. The exemption specifically states that it is for recovery elsewhere.	Each exemption is risk-assessed on its own merits. When combinations of exempt operations are registered together that changes and often increases the risk profile.	Restrict the types of exemptions that can be registered together then we keep the overall risk of the combined activities low.
Risks from specific types of waste Tyres	Tyres have been identified as a particularly high risk from illegal activity. Not only are they commonly fly-tipped they also pose a significant fire-risk when illegally stockpiled. Rogue collectors are undercutting legitimate permitted operators.	Tyres can already be stored by the producer of the waste e.g. The tyre fitter/ retailer at their premises. NWFD2 – storage of waste at the place of production prior to collection by a registered carrier. They can also be stored at a place controlled by the producer (NWFD3) – this would allow for example: Mobile fitters and roadside recovery businesses to change tyres and take the waste tyres back to their depot and store prior to collection by a registered carrier. Anyone else running a business taking and treating tyres in needs a certain amount to make the business viable especially when the cost of equipment such as balers and shredders are factored in.	As a result we propose to remove tyres and tyre chip and crumb from S2 altogether.
Mattresses	There is and increasing problem with collection and stockpiling of mattresses. This leads to abandonment, risk of fire and attraction of pests nesting in the mattresses.	The changes to T12 allow the treatment of small quantities of waste mattresses. There doesn't seem to be a legitimate need to collect mattresses at an intermediate site when they could go directly to a T12 or a permitted facility. There are still the NWFD exemptions for storage and collection points.	As a result we propose to remove mattresses from S2 altogether.
WEEE Fluorescent tubes Single use cameras	Many sites are not complying with the storage requirements of the WEEE Directive. T17 for fluorescent tubes has been recently updated with	The requirements of the WEEE Directive are referred to but not explicit in the exemption. This means you are relying upon the operator to go and read that guidance which is quite extensive. The limits and condition for fluorescent tubes	Put the requirements of the WEEE Directive in the exemption so there is no need to refer to other guidance. Add single use camera codes to the general WEEE section. Split fluorescent tubes out from WEEE to make it clear and put storage

	Issue detail	Rationale for change	Proposed changes
	reduced quantities and more explicit conditions.	should not be the same as for T17.	and quantity requirements for fluorescent tubes in that match the T17 requirements.
Other changes to waste coding	Cartons 20 01 01, 20 01 39, 07 02 13	Packaging is excluded from 20 01 codes. 07 02 13 can't be used to describe food and drink cartons.	Remove these codes.
	Printer cartridges.	20 01 39, 15 02 01 codes not appropriate for this waste type.	Remove these codes.
	Aqueous paint 16 10 02.	16 10 02 not appropriate.	Replace code with 08 01 20 aqueous solution containing paint.
	Soils from cleaning fruit and vegetables only.	02 03 99 not appropriate.	Replace code with 02 03 01.
	Solder metal, skimmings, ashes and residues.	10 08 99 not appropriate.	Remove this code other codes adequately cover this waste.
	Wine bottle corks only.	20 01 38 not appropriate as packaging excluded from 20 01 codes.	Remove this code.

Part 2: Option 2 - Proposal

Proposed NEW S1 - Temporary interim storage and bulking of waste in secure containers for recovery at another place

All	Current conditions			Changes proposed under Option 2		
Treatments	Storage only			Storage only		
General conditions applying to all wastes	<ul style="list-style-type: none"> Storage at a secure place for the purposes of recovery elsewhere. The total quantity of storage containers at the storage place at any one time is 20 (80 m³). No waste is stored longer than 12 months. The person storing the waste is the owner of the containers or has the consent of the owner. Each waste type is stored separately. 			<ul style="list-style-type: none"> Storage in a secure container for the purposes of recovery elsewhere. The total quantity of storage containers at the storage place at any one time is 5 (total of 15 m³). No waste is stored longer than 3 months. The person storing the waste is the owner of the containers or has the consent of the owner. Each waste type is stored separately. 		
	Waste codes	Annual throughput	Storage limits and conditions	Waste codes	Annual throughput	Storage limits and conditions

All	Current conditions			Changes proposed under Option 2		
		(annual acceptance) (tonnes) / 7-day limit			(annual acceptance) (tonnes) / 7-day limit	
Waste oils	13 01 09* ¹³ to 13 01 13* 13 02 04* to 13 02 08* 13 07 01*	None	<ul style="list-style-type: none"> • 12 months • 3 m³ • Must be stored with secondary containment 	13 01 09* to 13 01 13* 13 02 04* to 13 02 08* 13 07 01*	None	<ul style="list-style-type: none"> • 3 months • 3 m³ • Must be stored with secondary containment
Waste electrical insulating oil	NA	NA	NA	13 03 01* 13 03 06* 13 03 01 13 03 07* 13 03 08* 13 03 09* 13 03 10*	None	<ul style="list-style-type: none"> • 3 months • 3 m³ • Must be stored with secondary containment
Absorbents, filter materials, (including oil filters not otherwise specified) wiping cloths, protective clothing contaminated by dangerous substances.	15 02 02*	None	<ul style="list-style-type: none"> • 3 m³ 	15 02 02*	None	<ul style="list-style-type: none"> • 3 months • 3 m³ • Must be stored with secondary containment
Absorbents, filter materials, wiping cloths, protective clothing other than those mentioned in 150202	15 02 03	None	<ul style="list-style-type: none"> • 3 m³ 	15 02 03	None	<ul style="list-style-type: none"> • 3 months • 3 m³
Oil filters	16 01 07*	None	<ul style="list-style-type: none"> • 3 m³ 	16 01 07*	None	<ul style="list-style-type: none"> • 3 months • 3 m³ • Must be stored with secondary containment

¹³ an asterisk (*) next to a code denotes that it is hazardous waste.

All	Current conditions			Changes proposed under Option 2		
Solvents and solvent mixtures	14 06 02* 14 06 03* 20 01 13*	None	<ul style="list-style-type: none"> • 6 months • 5 m³ • A – the waste is stored in a container • C- the waste is stored with secondary containment 	14 06 02* 14 06 03* 20 01 13*	None	<ul style="list-style-type: none"> • 3 months • 5 m³ • the waste is stored in a container <p>the waste is stored with secondary containment</p>
Waste cleaning solution containing 2% sodium metasilicate and 1-2% waste oil only	11 01 13* 12 03 01* 16 07 08*	None	<ul style="list-style-type: none"> • 3 months • 3 tonnes • A – the waste is stored in a container • C- the waste is stored with secondary containment 	11 01 13* 12 03 01* 16 07 08*	None	<ul style="list-style-type: none"> • 3 months • 3 m³ • the waste is stored in a container • the waste is stored with secondary containment
CFCs HCFCs and HFCs	14 06 01*	None	<ul style="list-style-type: none"> • 6 months • 18 tonnes • A – the waste is stored in a container • C- the waste is stored with secondary containment 	14 06 01*	None	<ul style="list-style-type: none"> • 6 months • 5 m³ • the waste is stored in a container • the waste is stored with secondary containment
Paints (excluding specialist and industrial paints, wood preservatives, aerosol and spray paints, inks adhesives and resins) pending re-use as paint only	20 01 27* 20 01 28 08 01 11* 08 11 12	None	<ul style="list-style-type: none"> • 6 months • 10,000 litres • A – the waste is stored in a container • C- the waste is stored with secondary containment 	20 01 27* 20 01 28 08 01 11* 08 11 12	None	<ul style="list-style-type: none"> • 6 months • 10,000 litres (10 m³) • the waste is stored in a container • the waste is stored with secondary containment

Proposed NEW S2 (S1 combined) - Temporary interim storage and bulking of commonly collected recyclables for recovery at another place

All	Current conditions			Changes proposed under Option 2		
Specified activities	Storage only			Storage and bulking only		
General conditions applying to all wastes in this table	<ul style="list-style-type: none"> Storage at a secure place for the purposes of recovery elsewhere. The total quantity of storage containers at the storage place at any one time is 20 (8000 m³). No waste is stored longer than 12 months. The person storing the waste is the owner of the containers or has the consent of the owner. Each waste type is stored separately. 			<ul style="list-style-type: none"> Storage at a secure place or in a secure container for the purposes of recovery elsewhere. Where waste is not stored in a secure container then it must be stored in a secure place. Where more than one waste type is accepted the total quantity of waste accepted at the storage place is 500 tonnes per year. Where more than one waste type is accepted the total quantity of waste at the storage place at any one time is 300 m³. No waste is stored longer than 3 months. The person storing the waste is the owner of the containers or has the consent of the owner Each waste type is stored in a separate container or separate stack or pile. 		
Waste description	Waste Code	Annual acceptance (tonnes) / 7-day limit	Storage limits and conditions	Waste Code	Annual acceptance (tonnes) / 7-day limit	Storage limits and conditions
Food and drink cartons only	07 02 13 15 01 01 15 01 02 15 01 05 20 01 39	None	<ul style="list-style-type: none"> 12 months 500 tonnes (3571 m³) (117x 40 yrd Ro-Ro) 	07 02 13 15 01 01 15 01 02 15 01 05 20 01 39 20 01 01 ¹⁴	100 tonnes per year	<ul style="list-style-type: none"> 3 months 40 m³ Stack or pile maximum 4 metres high the waste is stored in a baled form or if not baled in a covered container or indoors
Plastic and <u>plastic packaging including farm plastics</u>	07 02 13 12 01 05 15 01 02 16 01 19 19 12 04		<ul style="list-style-type: none"> 12 months 500 tonnes (Farm plastics - D The waste is stored in doors). 	07 02 13 12 01 05 15 01 02 16 01 19 19 12 04	100 tonnes per year	<ul style="list-style-type: none"> 3 months 40 m³ Stack or pile maximum 4 metres high the waste is stored in a baled form or if not baled in a covered container or indoors

¹⁴ A crossed-through waste code indicates we are proposing not to keep it

All	Current conditions			Changes proposed under Option 2		
	20 01 39			20 01 39 02 01 04 15		
Cans and foil only	15 01 04, 20 01 40	None	<ul style="list-style-type: none"> 12 months 400 m³ 	15 01 04 20 01 40	100 tonnes per year	<ul style="list-style-type: none"> 3 months 40 m³ Stack or pile maximum 4 metres high the waste is stored in a baled form or if not baled in a covered container or indoors
Paper and cardboard (excluding food and drink cartons) only	15 01 01 19 12 01 20 01 01 03 03 08 03 03 07	None	<ul style="list-style-type: none"> 12 months 15,000 tonnes (71,430 m³) (2343 x 40yrd Ro-Ro) J – the waste is stored in a baled form, in a container or indoors, K – within the additional quantity limit specified in the third column (storage limit at any one time) of the table and notwithstanding additional specific conditions J up to 1000 tonnes may be stored outdoors so long as it is stored in an enclosure designed and maintained to prevent the escape of litter 	15 01 01 19 12 01 20 01 01 03 03 08 03 03 07	300 tonnes per year	<ul style="list-style-type: none"> 3 months 40 m³ Stack or pile maximum 4 metres high the waste is stored in a baled form or if not baled in a covered container or indoors
Glass	15 01 07 20 01 02	None	<ul style="list-style-type: none"> 12 months 400 m³ B – the storage place has sealed drainage 	15 01 07 20 01 02	300 tonnes per year	<ul style="list-style-type: none"> 3 months 40 m³ Stack or pile maximum 4 metres high If not in a container and stored outside must be on sealed drainage
Textiles and clothes	04 02 22 15 01 09 19 12 08 20	None	<ul style="list-style-type: none"> 12 months 1000 tonnes (5000 m³) (164 x 	04 02 22 15 01 09	100 tonnes per year	<ul style="list-style-type: none"> 3 months 40 m³

¹⁵ A crossed-through waste code indicates we are proposing not to keep it

All	Current conditions			Changes proposed under Option 2		
	01 10 20 01 11		40 yrd Ro-Ro)	19 12 08 20 01 10 20 01 11		<ul style="list-style-type: none"> Stack or pile maximum 4 metres high the waste is stored in a baled form or if not baled in a covered container or indoors

Proposed NEW S4 - Temporary interim storage of waste at a dockside pending export or after import

All	Current conditions			Changes proposed under Option 2		
Specified activities	Storage only			Storage only		
General conditions applying to all wastes in this table	Only at a dockside pending export or after import			Only at a dockside pending export or after import <ul style="list-style-type: none"> Where waste is not stored in a secure container then it must be stored in a secure place. 		
Waste Types	Waste codes	Annual acceptance	Storage limits and conditions	Waste codes	Annual acceptance	Storage limits and conditions
Electric arc furnace dust only	10 02 07*	None	<ul style="list-style-type: none"> 3 months. 2,500 tonnes. D – the waste is stored indoors. E- the waste is stored as a dock prior to being exported or after being imported. F - the waste must arrive at the storage place in bags and must be stored there in bags or drums. 	10 02 07*	None	<ul style="list-style-type: none"> 3 months. 1000 bags or drums. The waste must arrive at the storage place in bags and must be stored there in bags or drums. The waste is stored indoors.
Olive pulp and pellet only	02 03 04	None	<ul style="list-style-type: none"> 3 months. 5,000 tonnes. B – the storage place has sealed drainage. C- the waste is stored with secondary containment. E- the waste is stored as a dock prior to being exported or after being imported. 	02 03 04	None	<ul style="list-style-type: none"> 3 months. 1000 m³. The waste is stored on sealed drainage. The waste is stored with secondary containment.
Poultry litter ash only	10 01 01	None	<ul style="list-style-type: none"> 12 months. 3,000 tonnes. D – the waste is stored 	10 01 01	None	<ul style="list-style-type: none"> 12 months. 1000 m³. The waste is stored indoors.

All	Current conditions			Changes proposed under Option 2		
			indoors. <ul style="list-style-type: none"> E- the waste is stored as a dock prior to being exported or after being imported. 			
Scrap Metal	02 01 10 16 01 17 16 01 18 19 12 03 17 04 01 17 04 02 17 04 03 17 04 04 17 04 05 17 04 06 17 04 07 19 12 02 17 04 11	None	<ul style="list-style-type: none"> 6 months. 15,000 tonnes. B – the storage place has sealed drainage. E- the waste is stored as a dock prior to being exported or after being imported. 	02 01 10 16 01 17 16 01 18 19 12 03 17 04 01 17 04 02 17 04 03 17 04 04 17 04 05 17 04 06 17 04 07 19 12 02 17 04 11	None	<ul style="list-style-type: none"> Maximum storage length 6 months. No more than 1500 m³ of scrap metal in total to be stored on site. Each stack or pile size must be no more than: <ul style="list-style-type: none"> Loose metal and more than 150mm in size – 750 m³. Metal under 150mm or baled – 450 m³. Each stack or pile must: <ul style="list-style-type: none"> Be no more than 4 metres high. Have a Max width or length 20 metres. <ul style="list-style-type: none"> There must be a separation distance of at least 6 metres between waste piles and the site perimeter, any buildings, or other combustible or flammable materials. The waste is stored on sealed drainage.
Synthetic gypsum and pulverised fuel ash only	10 01 01 10 01 02 10 01 05 10 01 15	None	<ul style="list-style-type: none"> 3 months. 2,500 tonnes. D – the waste is stored indoors. E- the waste is stored as a dock prior to being exported or after being imported. F - the waste must arrive at the storage place in bags and must be stored there in bags or drums. 	10 01 01 10 01 02 10 01 05 10 01 15	None	<ul style="list-style-type: none"> 3 months. 1000 bags or drums. The waste must arrive at the storage place in bags and must be stored there in bags or drums. The waste is stored indoors.

Proposed NEW S5 - Temporary interim storage and bulking of solid hazardous and non-hazardous wastes pending recovery elsewhere

All	Current conditions			Changes proposed under Option 2		
Treatments	Storage only			Storage only		
General conditions applying to all wastes	None			None		
Waste description	Waste Codes	Annual acceptance	Storage limits and conditions	Waste Codes	Annual acceptance	Storage limits and conditions
Wood including telegraph poles and railway sleepers (hazardous and non-hazardous)	03 01 05 17 02 01 17 02 04* 19 12 06* 19 12 07 20 01 37* 20 01 38	None	<ul style="list-style-type: none"> 12 months 100 tonnes 	03 01 05, 17 02 01, 17 02 04* 19 12 06* 19 12 07, 20 01 37* 20 01 38	None	<ul style="list-style-type: none"> 3 months. Stack or pile maximum 4 metres high. 40 m³ or 100 telegraph poles.
WEEE	09 01 10 09 01 11* 09 01 12 16 02 11* 16 02 13* 16 02 14 16 02 16 20 01 21* 20 01 23* 20 01 35* 20 01 36	None	<ul style="list-style-type: none"> 6 months. 400 m³. I – the waste is stored in accordance with the requirements under paragraph 1 of Annex VIII to the WEEE Directive. 	Fluorescent and other gas discharge lamps 20 01 21*	None	<ul style="list-style-type: none"> 6 months. 5 m³. The waste is stored in a sealed container on an impermeable surface with sealed drainage.
				WEEE (excluding fluorescent and other gas discharge lamps) 16 02 11* 16 02 13* 16 02 14 16 02 16	None	<ul style="list-style-type: none"> 6 months. 40 m³. Stack or pile maximum 4 metres high. The waste is stored on an impermeable surface with sealed drainage. Any WEEE intended for re-use and any display equipment (e.g. TV or computer monitor) with a broken screen shall be stored in a building or under weatherproof covering.

All	Current conditions			Changes proposed under Option 2		
				20 01 23* 20 01 35* 20 01 36		
Batteries	16 06 01* 16 06 02* 16 06 03* 16 06 04 16 06 04 16 06 05 20 01 33* 20 01 34	None	<ul style="list-style-type: none"> 6 months. 10 tonnes. A – the waste is stored in a container. B – the storage place has sealed drainage. 		None	<ul style="list-style-type: none"> 6 months. 10 m³. the waste is stored in a container. the storage place has sealed drainage.
Solder metal, skimmings, ashes and residues	10 03 16 10 04 05* 10 05 04 10 05 11 10 06 04 10 08 11 10 08 99	None	<ul style="list-style-type: none"> 3 months. 100 tonnes. G – the waste is stored in bags or drums. 	10 03 16 10 04 05* 10 05 04 10 05 11 10 06 04 10 08 11 10 08 99 16	None	<ul style="list-style-type: none"> 3 months. 100 m³. the waste is stored in bags or drums.

Proposed NEW S6 - Temporary interim storage and bulking of non-hazardous wastes only pending recovery elsewhere

All	Current conditions			Changes proposed under Option 2		
Treatments	Storage only			Storage only		
General conditions applying to all wastes	None			None		
Waste description	Waste Codes	Annual acceptance	Storage limits and conditions	Waste Codes	Annual acceptance	Storage limits and conditions

¹⁶ A crossed-through waste code indicates we are proposing not to keep it

All	Current conditions			Changes proposed under Option 2		
Aqueous paint related waste only	16 10 02	None	<ul style="list-style-type: none"> 6 months. 1000 litres. A – the waste is stored in a container. C- the waste is stored with secondary containment. 	16 01 02 ¹⁷ Aqueous solution containing aqueous paint 08 01 12	None	<ul style="list-style-type: none"> 6 months. 1000 litres (1 m³). the waste is stored in a container. the waste is stored with secondary containment.
Tyres, tyre chip and crumb.	16 01 03, 19 12 04	None	<ul style="list-style-type: none"> 3 months. 40 tonnes. H - The total quantity stored together does not exceed 10 tonnes. 	Complete Removal		
Mattresses only	20 03 07	None	<ul style="list-style-type: none"> 3 months. 5 tonnes. D – The waste is stored indoors. 	Complete Removal		
Edible oil and fat only	20 01 25	None	<ul style="list-style-type: none"> 12 months. 5,000 tonnes. A – the waste is stored in a container. C- the waste is stored with secondary containment. 	20 01 25	None	<ul style="list-style-type: none"> 3 months. 10 m³. the waste is stored in a container. the waste is stored with secondary containment.
Mammalian protein only	02 01 02	None	<ul style="list-style-type: none"> 12 months. 60,000 tonnes. D – the waste is stored indoors. 	02 01 02	None	<ul style="list-style-type: none"> 3 months. 40 m³. the waste is stored indoors.
Mammalian tallow only	02 01 02	None	<ul style="list-style-type: none"> 12 months. 60,000 tonnes. D – the waste is stored indoors. 	02 01 02	None	<ul style="list-style-type: none"> 3 months. 40 m³. the waste is stored indoors.
Photographic films and papers	09 01 07 09 01 08	None	<ul style="list-style-type: none"> 12 months. 50 tonnes. J – the waste in stored in 	09 01 07 09 01 08	None	<ul style="list-style-type: none"> 12 months. 40 m³. the waste in stored in baled form, in a container or indoors.

¹⁷ A crossed-through waste code indicates we are proposing not to keep it

All	Current conditions			Changes proposed under Option 2		
			baled form, in a container or indoors.			
Printer cartridges only	08 03 18 15 01 02 16 02 16 20 01 39	None	<ul style="list-style-type: none"> 6 months. 5000 units. D – the waste is stored indoors. 	08 03 18 15 01 02 16 02 16 20 01 39	None	<ul style="list-style-type: none"> 6 months. 5000 units. the waste is stored indoors.
Wine bottle corks only	03 03 01 15 01 02 15 01 03 20 01 38	None	<ul style="list-style-type: none"> 12 months. 500 tonnes. 	03 03 01 15 01 02 15 01 03 20 01 38 ¹⁸	None	<ul style="list-style-type: none"> 12 months. 40 m³.

Proposed NEW S7 - Temporary interim storage of wastes from construction or to be used in construction pending recovery elsewhere

All	Current conditions			Changes proposed under Option 1		
Treatments	Storage only			Storage only		
General conditions applying to all wastes	None			None		
Waste description	Waste Codes	Annual acceptance	Storage limits and conditions	Waste Codes	Annual acceptance	Storage limits and conditions
Non-hazardous Construction and demolition waste capable of being used in its existing state only	17 01 01 17 01 02 17 01 03 17 01 07 17 02 02 17 02 03 17 04 01 to 17 04 07 17 06 04 17 08 02	None	<ul style="list-style-type: none"> 12 months. 100 tonnes. 	17 01 01 17 01 02 17 01 03 17 01 07 17 02 02 17 02 03 17 04 01 to 17 04 07 17 06 04 17 08 02	None	<ul style="list-style-type: none"> 12 months. 100 m³.
Marble chips	01 04 08	None	<ul style="list-style-type: none"> 12 months. 	01 04 08	None	<ul style="list-style-type: none"> 12 months.

¹⁸ A crossed-through waste code indicates we are proposing not to keep it

All	Current conditions			Changes proposed under Option 1		
only	19 12 09		<ul style="list-style-type: none"> • 5000 tonnes. 	19 12 09		<ul style="list-style-type: none"> • 5000 m³.
Soils from cleaning fruit and vegetables only	02 04 01 02 03 99	None	<ul style="list-style-type: none"> • 6 months. • 100 tonnes. 	02 04 01 02 03 99 02 03 01	None	<ul style="list-style-type: none"> • 6 months. • 100 m³.
Road planings, waste road chippings, road sub-base only	17 03 01* 17 03 02 17 05 04	None	<ul style="list-style-type: none"> • 12 months. • 500 tonnes. 	17 03 01* 17 03 02 17 05 04	None	<ul style="list-style-type: none"> • 12 months. • 500 m³.

Annex 10 – Proposed waste code and description changes

Proposed changes to waste codes and descriptions to exemptions of concern to clarify and address mis-coding					
Exemption	Hazardous codes present	Potentially anomalous code	Proposal	Rationale	Action
D7	No	02 01 07 03 01 05	03 01 05 -Remove this code.	This code is unnecessary. Wood is plant tissue and therefore coded 02 01 03 and this code is applicable to forestry. Therefore the code 02 01 07 would capture wastes from forestry that are not plant tissue. Inconsistent with T6. See previous comments on mirror entries, and waste acceptance, noting that that 03 01 05 is also a wood waste.	These codes have been removed from draft D7 proposal.
T4	No	07 02 13	Remove this code.	The code refers to process waste. This is a production process waste, not a product that is waste. Food and drink cartons will all be chapter 15, even if arising from the production process. This is how we would code any process waste.	This code has been removed from draft T4 proposal.
T6	No	03 01 01 03 03 01 15 01 03 17 02 01	Remove 03 01 01 or restrict it to cork and bark. Add the words 'other than that arising from waste transfer stations' to the waste types descriptions. Mirror entry wood issue.	Registered T6 sites are accepting mixed and pre-sorted wood from waste transfer stations. This is not allowed under these waste codes and steps are needed to make the exclusion explicit. 03 01 01 cannot legally be assigned as a classification to wood waste (the mirror entry codes 03 01 04* /05 are provided for wood in that subchapter). 03 01 01 can only legally be assigned to cork and bark. Given the wider wood issues serious consideration should be given to mirror entry waste acceptance controls being made explicit here.	In draft T6 proposal 17 02 01 has been removed. 03 03 01 and 03 01 01 have better descriptions. 15 01 03 remains for chipping of pallets where they can't be refurbished.
T9	No	None	Add a specific provision in the exemption that no WEEE can be treated under these codes.	There is an issue around misclassification of waste. WEEE is misclassified under these codes and directed to an inappropriate site.	Added to draft T9 proposal.
T12	No	20 01 99 Bicycles	Replace with code 16 01 06	Bicycles are vehicles	Replaced with code 16 01 06
		20 01 99 footwear	Replace with code 20 01 10	Footwear is clothing	Replaced with code

Proposed changes to waste codes and descriptions to exemptions of concern to clarify and address mis-coding

Exemption	Hazardous codes present	Potentially anomalous code	Proposal	Rationale	Action
					20 01 10
		17 09 04 stone bricks wood	Add code 17 05 04	This code is necessary if the intention is to allow discrete loads of stone. 17 09 04 will only allow stone as part of a mixed load.	Added code 17 05 04
		Telegraph poles	Remove 20 01 codes	Not a household waste type so not a 20 01 source code	Codes changed to 17 02 01 and 17 02 04* ¹⁹
		Windows and doors	Add code 17 09 04	Windows and doors are often composite waste – so arise as a mixed waste (17 09). Need to add a code to authorise composites as well as single materials	Code added 17 09 04
S1	Yes	20 01 01 cartons	Remove this code from the reference to cartons	Packaging is excluded from 20 01 codes	Cartons now in draft S2 proposal Code 20 01 01 removed
S2	Yes	16 10 02 aqueous paint waste	Replace with 08 01 12 if this is intended to describe water based paint, or 08 01 20 if an aqueous solution containing paint.	This is for collection and recycling of paint wash-waters rather than collection of therefore 08 01 20 is the more appropriate code	Aqueous paint waste is now in Removed code 16 10 02
		07 02 13 20 01 39	Remove these codes from the reference to food and drink cartons	These codes cannot describe these wastes	Codes 07 02 13 and 20 01 39 removed in new S2 proposal
		20 01 39 15 01 02	Remove these codes from the reference to printer cartridges	These codes cannot describe these wastes	Printer cartridges moved to new S6 proposal Codes 20 01 39 and 15 01 02 removed

¹⁹ an asterisk (*) next to a code denotes that it is HAZARDOUS WASTE.

Proposed changes to waste codes and descriptions to exemptions of concern to clarify and address mis-coding					
Exemption	Hazardous codes present	Potentially anomalous code	Proposal	Rationale	Action
					in relation to printer cartridges
		02 03 99	Replace with 02 03 01 in relation to soils from cleaning and washing vegetables only	'99' codes should not be used where a more appropriate code is available	These wastes are now in new S7 proposal.
		10 08 99	Remove this code in relation to Solder metal, skimmings, ashes and residues	'99' codes should not be used where a more appropriate code is available. The materials are adequately described by the other codes in this section	These wastes are now in new S5 proposal Code 10 08 99 removed in relation to Solder metal, skimmings, ashes and residues
		20 01 38	Remove this code in relation to wine bottle corks	Packaging is excluded from 20 01 codes and wine corks are classified as packaging	This waste is now in new S6 proposal Code 20 01 38 removed in relation to wine bottle corks

Proposed changes to waste codes and descriptions to other exemptions to clarify and address mis-coding					
Exemption	Hazardous codes present	Potentially anomalous code	Proposal	Rationale	Action
D2	No	20 03 99	Replace with code 20 01 99	Existing government and EA guidance indicates 20 01 99 should be used for offensive waste.	Update with proposed changes after consultation.
D3	No	20 03 99	Replace with code 20 01 99	Existing government and EA guidance indicates 20 01 99 should be used for offensive waste.	
D4	No	02 01 03	Add 20 02 01 code	The code used does not cover the full extent of the activity described.	

Proposed changes to waste codes and descriptions to other exemptions to clarify and address mis-coding					
Exemption	Hazardous codes present	Potentially anomalous code	Proposal	Rationale	Action
D6	No	02 01 07 (There are no codes listed in the regulations, but this code appears in the list on gov.uk This might be an error in IED and gov.uk guidance) 17 02 01 (see text)	Remove 02 01 07. Either remove 17 02 01 or add mirror entry waste acceptance controls)	This code is unnecessary. Wood is plant tissue, 02 01 03. The plant tissue code is applicable to forestry. (02 01 07 would therefore capture waste from forestry that are not plant tissue). Inconsistent with T6. 17 02 01 is known to be a very high risk mirror entry waste, none of our compliance checks have identified any operator checking the classification of waste wood accepted, the consequence being serious concerns about threats to the gov RHI scheme, contaminated wood reaching inappropriate destinations.	
D8 (non-hazardous)	No	02 01 07, 15 01 03 and 20 01 38	Remove this code. Remove 20 01 38 too. Recommend adding 'untreated' to text of 15 01 03	This code is unnecessary. Wood is plant tissue and therefore coded 02 01 03 and this code is applicable to forestry. Therefore the code 02 01 07 would capture wastes from forestry that are not plant tissue. Inconsistent with T6. The waste described in the text is legally excluded from 20 01, so cannot be 20 01 38...it would instead fall under 15 01 03. 15 01 03 is a wood mirror entry, so I recommend as a minimum restricting it to untreated wood, and given the wider wood issues recommend mirror entry waste acceptance controls.	
T5	No	19 05 99	Replace this code with 19 05 03 using the description 'compost that requires further treatment'	'99' codes should not be used where a more appropriate code is available (legally are not allowed to be used).	
T13	No	20 01 99 food wastes	Use 20 01 08	'99' codes should not be used where a more appropriate code is available.	
T16	Yes	20 01 39	Remove this code	This code is redundant as it excludes packaging. The other codes capture everything.	
		15 01 02	Remove this code	This code will not apply to ink and toner cartridges.	
T18	No	01 04 09 clay effluent from ceramic manufacture	Replace with 16 10 02	Appears a more suitable code.	
T20	No	19 09 99	Replace with 16 10 02	'99' codes should not be used where a more appropriate code is available.	
T21	No	19 08 99	Replace with 16 10 02 or 16 10 04	'99' codes should not be used where a more appropriate code is available. Liquids should not be assigned a 99 code.	
		20 03 99	Consider removing this code.	The wastes this applies to are likely to be adequately captured by the other codes.	

Proposed changes to waste codes and descriptions to other exemptions to clarify and address mis-coding					
Exemption	Hazardous codes present	Potentially anomalous code	Proposal	Rationale	Action
T23	No	02 01 07	Remove this code	This material is captured by code 02 01 03.	
		02 01 99	Use 02 01 06 for faecal contaminated bedding and 02 01 03 for uncontaminated bedding	'99' codes should not be used where a more appropriate code is available contaminated bedding can be coded 02 01 06, and uncontaminated bedding is likely to be plant tissue so 02 01 03 can be used.	
		20 01 01	Consider adding the 15 01 packaging codes	The 20 01 01 code will not authorise paper and cardboard that is separately collected packaging. If the intention of the exemption is to authorise these wastes, then the codes need to be added.	
T24	No	02 01 07	Remove this code	This material is captured by code 02 01 03	
		02 01 99	Use 02 01 06 for faecal contaminated bedding and 02 01 03 for uncontaminated bedding	'99' codes should not be used where a more appropriate code is available contaminated bedding can be coded 02 01 06, and uncontaminated bedding is likely to be plant tissue so 02 01 03 can be used.	
T25	No	02 01 07	Remove this code	This material is captured by code 02 01 03.	
		02 01 99	Use 02 01 06 for faecal contaminated bedding and 02 01 03 for uncontaminated bedding	'99' codes should not be used where a more appropriate code is available contaminated bedding can be coded 02 01 06, and uncontaminated bedding is likely to be plant tissue so 02 01 03 can be used.	
T26	No	20 01 01	Consider adding the 15 01 packaging codes	The 20 01 01 code will not authorise paper and cardboard that is separately collected packaging. If the intention of the exemption is to authorise these wastes, then the codes need to be added.	
T30	Yes	09 01 06	Add 09 01 01, 09 01 02, 09 01 03 and 09 01 04	09 01 06 describes the output of the recovery process. The additional codes are required to capture the wastes that are input.	
U3	No	20 01 01	Consider adding the 15 01 packaging codes	The 20 01 01 code will not authorise paper and cardboard that is separately collected packaging. If the intention of the exemption is to authorise these wastes, then the codes need to be added.	
U5	No	19 02 10 biodiesel	Consider using 13 07 01	Agency advice is to use chapter 13 hazardous code for biodiesel. If 19 02 code is appropriate then consider 19 02 11*	
U7	No	19 08 99	Replace with 16 10 01*/02	'99' codes should not be used where a more appropriate code is available.	
U8	Yes	19 05 99	Replace with 19 05 03	'99' codes should not be used where a more appropriate code is available. If this is not 'off-spec' compost then it is probably not waste.	

Proposed changes to waste codes and descriptions to other exemptions to clarify and address mis-coding					
Exemption	Hazardous codes present	Potentially anomalous code	Proposal	Rationale	Action
		17 01 02 and 17 09 04 stones and bricks	Replace 17 09 04 with 17 05 04	Appears a more appropriate code.	
U10	No	02 01 99 02 03 99	Replace with 16 10 02 where the reference is to a liquid waste	'99' codes should not be used where a more appropriate code is available.	
		19 05 99	Replace with 19 05 03	'99' codes should not be used where a more appropriate code is available. If this is not 'off-spec' compost then it is probably not waste.	
U11	No	02 01 99	Consider whether a more appropriate code can be identified	'99' codes should not be used where a more appropriate code is available.	
		02 03 99	Replace with 02 03 01	'99' codes should not be used where a more appropriate code is available.	
		19 05 99	Replace with 19 05 03	'99' codes should not be used where a more appropriate code is available. If this is not 'off-spec' compost then it is probably not waste.	
U13	No	02 01 07	Remove this code	Plant tissue from forestry is adequately described by 02 01 03.	
U14	No	02 01 03	Remove this code	02 01 03 is not ash.	

Annex 11 – Individual waste type comparator

Table 1: Wood wastes

Broad waste type	Exemptions where changes may be required		Exemptions amended under section 4.2 proposals		
	U8 Use of waste for a specified purpose	U9 Use of waste to manufacture finished goods	New T6 Treatment of wood waste	New T12 Manual treatment of waste	New S5 Temporary interim storage and bulking of solid hazardous and non-hazardous wastes pending recovery elsewhere
Total of all wastes stored on site at any one time	No overall tonnage. Also none for storage only prior to use	No overall tonnage – each related to specific use	300 m ³	300 m ³	None as total of all listed waste less than 200 m ³
Length and max storage relevant to comparison wastes	Prior to use none specified	Prior to use none specified	3 months in total before and after treatment unless fully recovered (no longer waste)	3 months 12 months telegraph poles	3 months Stack or pile maximum 4 metres high 3 months
Untreated wood	1000 tonnes	x	300 m ³ (inc. pallets)	Pallets 100 m ³	40 m ³ or 100 telegraph poles
Non-haz wood	100 tonnes	100 tonnes		200 telegraph poles	
Haz wood	100 tonnes	x	X		

Table 2: Common recyclables

Broad waste type	Exemptions where changes may be required				Exemptions amended under section 4.2 proposals		
	U8 Use of waste for a specified purpose	U9 Use of waste to manufacture finished goods	T1 Cleaning, washing, spraying or coating relevant waste	T2 Recovery of textiles	New T4 Preparatory treatment (baling, sorting shredding etc.)	New T12 Manual treatment of waste	New S2 Temporary interim storage and bulking of commonly collected recyclables for recovery at another place
Total of all wastes on site at any one time	No overall tonnage for storage only prior to use	No overall tonnage – each related to specific use	300 tonnes	20,000 tonnes	Total of 300 m ³ of any combination of the wastes on site at any one time	300 m ³	300 m ³
Length of storage relevant to comparison	Prior to use none specified	Prior to use None specified	3 months prior to treatment	None specified	3 months in total before and after treatment unless fully recovered (no	3 months 12 months	3 months 4 metres high

Broad waste type	Exemptions where changes may be required				Exemptions amended under section 4.2 proposals		
	U8 Use of waste for a specified purpose	U9 Use of waste to manufacture finished goods	T1 Cleaning, washing, spraying or coating relevant waste	T2 Recovery of textiles	New T4 Preparatory treatment (baling, sorting shredding etc.)	New T12 Manual treatment of waste	New S2 Temporary interim storage and bulking of commonly collected recyclables for recovery at another place
wastes					longer waste)	telegraph poles	
Paper and cardboard	Shredded 100 tonnes	15,000 tonnes	300 tonnes	x	100 m ³	x	40 m ³
Glass	50 tonnes	5,000 tonnes	300 tonnes	X	100 m ³	x	40 m ³
Packaging	x	x	300 tonnes	X	x	x	40 m ³
Textiles and clothes	x	x	300 tonnes	20,000 tonnes	x	100 m ³	40 m ³
Plastics	x	x	300 tonnes	x	100 m ³	X	40 m ³

Table 3: Rubber, tyres, scrap metal

Broad waste type	Exemptions where changes may be required		Exemptions amended under section 4.2 proposals		
	U8 Use of waste for a specified purpose	U9 Use of waste to manufacture finished goods	New T8 Mechanical treatment of end-of-life tyres	New T9 Recovery of scrap metal	New S4 Temporary interim storage of waste at a dockside pending export or after import
Total of all wastes on site at any one time	No overall tonnage – each related to specific use	No overall tonnage – each related to specific use	2.5 m ³	500 m ³	None specified
Length of storage relevant to comparison wastes	Prior to use none specified	Prior to use none specified	3 months in total before and after treatment unless fully recovered (no longer waste)	x	6 months Each stack or pile size must be no more than : Loose metal and more than 150mm in size – 750 m ³ Metal under 150mm or baled – 450 m ³ Each stack or pile must: Be no more than 4 metres high Have a Max width or length 20 metres There must be a separation distance of at least 6 metres

Broad waste type	Exemptions where changes may be required		Exemptions amended under section 4.2 proposals		
	U8 Use of waste for a specified purpose	U9 Use of waste to manufacture finished goods	New T8 Mechanical treatment of end-of-life tyres	New T9 Recovery of scrap metal	New S4 Temporary interim storage of waste at a dockside pending export or after import
					between waste piles and the site perimeter, any buildings, or other combustible or flammable materials
Shredded or granulated rubber	1000 tonnes	30 tonnes	2.5 m ³	x	x
End-of-life tyres	40 tonnes for silage clamps	X	2.5 m ³	x	x
Metal	x	500 tonnes	x	500 m ³ Max stack 250 m ³	1500 m ³

Annex 12 – Existing standard rules

Exemption	Potentially suitable standard rules currently available	Notes
U1 Use of waste in construction	https://www.gov.uk/government/publications/sr2015-no39-use-of-waste-in-a-deposit-for-recovery-operation	Standard rules were produced specifically to cover construction and reclamation activities as part of the 2010 Regulatory changes. Revisions were consulted on in 2014 and new standard rules Published in 2015. These rules specifically cover deposit for recovery operations that would no longer be carried on under the revised U1.
U16 Use of depolluted end of life vehicles	None that only deal with depolluted vehicles only. https://www.gov.uk/government/publications/sr2015-no13-75kte-vehicle-storage-depollution-and-dismantling-authorized-treatment-facility https://www.gov.uk/government/publications/sr2015-no18-metal-recycling-vehicle-storage-depollution-and-dismantling-facility	Most vehicles under U16 are not depolluted and therefore non-compliant with U16. Therefore, it is unlikely that there is a genuine need for an additional standard rules only dealing with depolluted vehicle dismantling.
T4 Preparatory treatments (baling, sorting, shredding etc.)	https://www.gov.uk/government/publications/sr2015-no21-75kte-materials-recycling-facility https://www.gov.uk/government/publications/sr2015-no22-materials-recycling-facility-no-building	These standard rules are the most likely fit for treatment of typically recyclable wastes.
T6 Treatment of wood waste and waste plant matter by chipping, shredding, cutting or pulverising	https://www.gov.uk/government/publications/sr2015-no23-treatment-of-waste-wood-for-recovery	The current standard rules were developed specifically to cover treatment of wood waste and should be able to cover the majority of T6 operations that are likely to need a permit.
T8 Mechanical treatment of tyres	None that specifically deal with tyres only. https://www.gov.uk/government/publications/sr2015-no6-75kte-household-commercial-and-industrial-waste-transfer-station-with-treatment https://www.gov.uk/government/publications/sr2015-no7-household-commercial-and-industrial-waste-transfer-station-with-treatment	These rules allow no more than a total of 50 tonnes of intact and shredded waste vehicle tyres (waste codes 16 01 03 and 19 12 04) to be stored at the site. It is likely that a tyre only option will be needed.

Exemption	Potentially suitable standard rules currently available	Notes
	treatment-no-building	
T9 Recovery of scrap metal	https://www.gov.uk/government/publications/sr2015-no16-metal-recycling-site https://www.gov.uk/government/publications/sr2015-no14-75kte-metal-recycling-site	Most T9 operations will still be carried out under T9 and those that do not should be able to use existing standard rules.
T12 Manual treatment of waste	<p>None that specifically deal with manual treatment of single waste streams.</p> https://www.gov.uk/government/publications/sr2015-no21-75kte-materials-recycling-facility https://www.gov.uk/government/publications/sr2015-no22-materials-recycling-facility-no-building https://www.gov.uk/government/publications/sr2015-no6-75kte-household-commercial-and-industrial-waste-transfer-station-with-treatment https://www.gov.uk/government/publications/sr2015-no7-household-commercial-and-industrial-waste-transfer-station-with-treatment-no-building	<p>Some wastes are covered under materials recycling facility (clothes, textiles, pallets, footwear etc.).</p> <p>Some will be covered by waste transfer and treatment – mattresses, furniture (bulky waste), windows and doors.</p>
S1 storage of waste in a secure container	None specifically for storage only.	
S2 Storage of waste in a secure place	None specifically for storage only.	
D7 Burning waste in the open	None - Not required.	

