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.	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. 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. 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. 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	The exemption has been limited to very specific uses that this exemption would typically be used legitimately for. The quantities and waste types specified for each use have been determined using published engineering standards for different types of activity. More specified uses may come out in consultation. Anything outside of these activities or quantities would need a permit with more detailed assessment to prove that it is a recovery operation.
Wrong waste types are often used	There are a wide-range of waste types listed in the U1 exemption that are not typically used by the majority of businesses. They are also not as clearly described as they could be.	Using the deposit for recovery standard rules SR2015No39 as a basis for the exemption. 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.	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. Improve the descriptions so that there is greater clarity on the quality of the waste that can be used.
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.

Issue	Issue detail	Rationale for change	Proposed changes
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 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.	

Use	Type of construction	Maximum quantity of waste	Additional restrictions
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. 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 preparation and fermentation.	02 03 99 (AN)	Soil from cleaning and washing vegetables	Use E only Storage H	No
	02 04 waste from sugar processing.	02 04 01 (AN)	Soil from cleaning and washing beet	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**
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 Storage H	Yes
	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

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**
		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 of any non-hazardous waste or gypsum from recovered plasterboard Uses A,B,C,D,E Storage H	Yes
20 Municipal wastes (household waste and similar commercial,	20 02 garden and park wastes	20 02 01 (AN)	Biodegradable waste	Natural wood in chipped form only Use G only Storage I	No

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**
industrial and institutional wastes) including separately collected fractions		20 02 02 (AN)	Soil and stones	Restricted to topsoil, peat, subsoil and stones only Uses E and F only Storage H	No