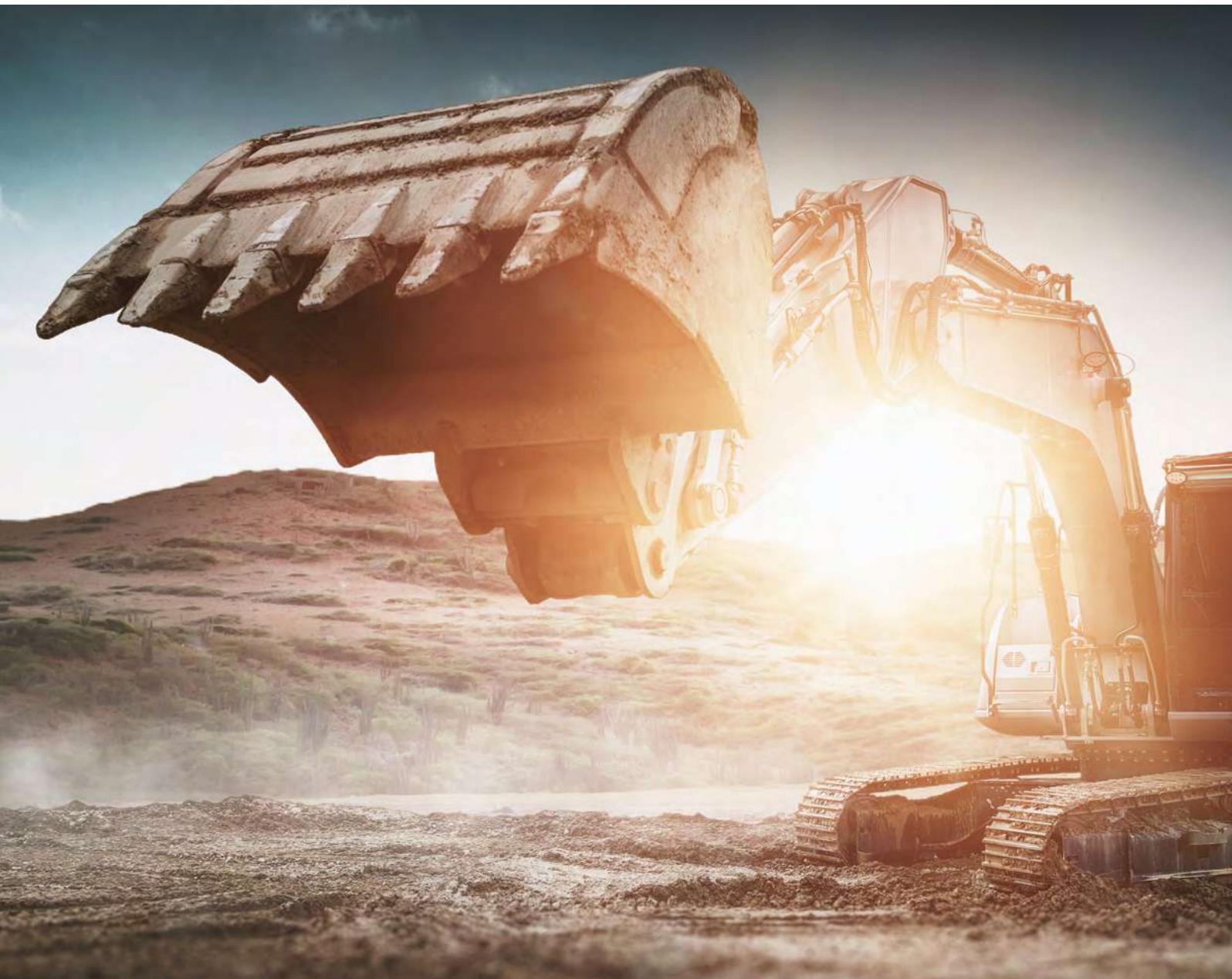




National Federation of Demolition Contractors
Voice of the Global Demolition Industry

WASTE AND PERMITTING **GUIDANCE NOTES**



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(E) Applies in England

(W) Applies in Wales

(S) Applies in Scotland

(NI) Applies in Northern Ireland

NOTE: Shortened urls are **case sensitive** and must be typed into your browser bar exactly as given.

Scope of guidance

The scope of this guidance is to identify the options available to contractors in terms of the reuse of waste materials on- and off-site for the demolition industry.

This guidance is intended to offer advice on the various options available and the necessary steps required to ensure legal compliance. If you are in any doubt or are working on a complex site, additional support should be sought from an environmental professional and the appropriate regulator, e.g., the Environment Agency. This guide cannot deal with every eventuality, site condition or waste type. However, due consideration has been given to the main types of waste and their respective treatment and disposal routes at the time of publishing.

The guidance does not in any way limit the responsibilities and statutory duties of the parties involved in deconstruction or demolition and waste processes. All stakeholders should exercise their own knowledge, experience and judgement in all matters relating to the handling and management of wastes on-site. The guidance note has no specific recommendations on the waste management process that best suits your site, but it does present the options available and their respective implications.

Throughout the document, **TOP TIPS** are provided as a means to assist you and your clients or potential clients throughout the tender and operational phases of your project.

Definition of waste

Waste is defined as

“any substance or object the holder discards, intends to discard or is required to discard”¹

Under the Waste Framework Directive, once a substance or object has become waste, it will remain waste until it has been fully recovered and no longer poses a potential threat to the environment. (Ultimately, this is for the courts to interpret using available case law on the definition of waste.)

¹Waste Framework Directive

Indicative examples of what is and what is not waste

What is not waste?	What is waste?
Natural soil with a suitable and certain use at the excavation site	Natural surplus materials with no suitable or certain use on- or off-site
Natural soil with a suitable and certain use for engineering or capping purposes at another site ²	Contaminated soil, including made ground, without a suitable use at the excavation site or which requires treatment before use
Contaminated soil, including made ground, with a suitable and certain use at the excavation site ²	Asbestos-containing materials
Contaminated soil, including made ground, with a suitable and certain use at the excavation site following treatment on- or off-site ²	Invasive-weed-infected waste ³
Source-segregated aggregate materials, including bricks, tiles and concrete, reused on the site of production in accordance with the CL:AIRE CoP (England and Wales only)	Mixed construction and demolition waste, e.g., plasterboard, glass, wood and pipework
Aggregate, including bricks, tiles and concrete, that has been processed to meet the WRAP quality protocol	

²Note that this will require further review and use of methodologies such as the CL:AIRE CoP, as detailed later in this guidance.

³Under an enforcement position statement there is the EA/SEPA/NIEA code of practice on treatment and disposal methods for Japanese knotweed. Note this is not covered in this guidance document and is a complex area for consideration.

(E) **(W)** <http://goo.gl/QS5hj>

(S) <http://goo.gl/xVcZp>

(NI) <http://goo.gl/HhmsV>

Glossary of terms

Applicability	Term	Definition
(E) (W)	CL:AIRE	Contaminated Land: Applications in Real Environments An independent, not-for-profit organisation established to stimulate the regeneration of contaminated land and more efficient use of soil on development sites
(E) (W)	CoP	Code of practice Refers to the CL:AIRE Code of Practice
(E) (W)	CoTC	Certificate of technical competence The level of qualification required to operate and manage waste activities
(E) (W)	EA	Environment Agency The environmental regulator in England and Wales
(E) (W)	EP	Environmental permit Permit required for higher risk waste activities under the Environmental Permitting Regulations 2010
(E) (W)	EPR	Environmental Permitting Regulations Regulations that include water discharges, groundwater activities and radioactive substances
(E) (W)	EWC	European Waste Catalogue A list of six-digit codes that are assigned to different waste types
(E) (W)	LAPPC	Local authority pollution prevention and control Local authority controlled permitted operations of emissions to air
(E) (W)	LoW	List of Waste Specific to England and Wales and refers to regulations applying the European Waste Catalogue into domestic regulation
(E) (W)	MMP	Materials management plan Defined and referred to under the CL:AIRE CoP
(E) (W)	MTP	Mobile treatment permit The permit required for certain mobile waste processing and remediation activities under the Environmental Permitting Regulations 2010, e.g., crusher in England or Wales
(S) (NI)	MPL	Mobile plant licence The licence required for certain mobile waste processing and remediation activities, e.g., crusher in Scotland or Northern Ireland
(NI)	NIEA	Northern Ireland Environment Agency The environmental regulator in Northern Ireland
(E) (W)	QP	Qualified person A competent person registered with CL:AIRE to sign off a declaration under the CL:AIRE CoP
(E) (W) (S) (NI)	Quality protocol	Quality protocol A quality protocol sets out the steps that must be taken for the waste to become a non-waste product or material that can be reused by either business or industry and that enables products to be used without the need for waste regulation controls.
(S)	SEPA	Scottish Environmental Protection Agency The environmental regulator in Scotland
(E) (W)	SWMP	Site waste management plan A plan required to demonstrate how waste on a development site will be minimised and managed. It is compulsory on all construction projects with a value over £300,000.
(E) (W)	WAC	Waste acceptance criteria The criteria to be met before waste is accepted at a landfill site. WAC can be a set of generic (used at all such sites) criteria and can also be site-specific requirements.
(S) (NI)	WML	Waste management licence Required to operate a waste facility in Scotland and Northern Ireland and similar to an environmental permit in England and Wales
(E) (W)	WRAP	Waste Resources Action Programme An organisation set up in 2000 to encourage recycling in the UK and create a market for recycled materials
(E) (W)	WTN	Waste transfer note Document required when transferring waste between different parties

Table 1: Waste checklist

Checklist	Yes	No	Comment
Pre-tender			
Has the client specified the disposal method for the waste materials?			If NO, use the opportunity to demonstrate knowledge of waste management and show cost-saving measures
Has clarification been gained on whether 'materials' to be removed or retained (e.g., in stockpiles) on-site are actually waste?			If the material is waste, ensure you have carefully considered all the potential options.
Have you assessed what legal consents, exemptions and permits may be required (these can be specific to type and mass of waste)?			Not considering these points could lead to programme slip or costs not accounted for in the tender.
Have you factored the costs and timescales associated with these into your bid?			Not considering these points could lead to programme slip or costs not accounted for in the tender.
Tender			
Where applicable, have you checked the crusher has an in-date Part B (Part C in Northern Ireland) authorisation for the mobile plant or has applied for one?			The site will be operating illegally if the authorisation is not in place or is out of date.
Have you advised the client of the recovery options, including WRAP, CL:AIRE or exemptions?			
Have you demonstrated to the client where they can save money and/or time?			
Demolition			
Are all the necessary consents, licences or permits and exemptions in place?			The site will be operating illegally if the necessary consents, licences or permits and exemptions are not in place or are out of date.
Section 61 Agreement?			
Environmental permit (Part B and/or waste facility)? (E) (W) Exemptions U1: Use of waste in construction? T6: Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising? T5: Screening and blending of waste? T7: Crushing and grinding concrete, bricks and tiles?			
(S) Exemptions Paragraph 19: Waste for construction and other 'relevant work'? Paragraph 21: Chipping, etc., waste plant matter? Paragraph 13: Manufacture of specified goods from specified wastes? Paragraph 24: Size reduction of bricks, tiles or concrete? Waste management licence? Part B?			
(NI) Exemptions Paragraph 19: Use and/or storage of waste for the purpose of construction, maintenance or improvement of relevant work? Paragraph 21: Chipping, shredding, cutting or pulverising of waste plant matter? Paragraph 13: Composting and storage of biodegradable waste? Paragraph 14: Manufacture of products from waste, the treatment of waste soil or rock that is to be spread on land under Paragraph 9 or 11, and the storage of waste that is to be submitted to the preceding activities? Waste management licence? Part C?			
Are all site workers aware of the conditions associated with these and are there procedures in place to ensure compliance with any prescribed limits?			Site workers should be briefed through toolbox talks.
If using the WRAP quality protocol, are the necessary waste exemptions or permits and procedural requirements in place?			To ensure the material is fully recovered so that it ceases to be waste, procedures must be in place and adhered to.
If using the CL:AIRE CoP, has the materials management plan been approved by a QP?			To ensure the material is fully recovered so that it is no longer waste, the CoP requirements must be in place and adhered to.
Is there any uncertainty over contamination of the demolition materials? Has testing been commissioned or undertaken?			Clarity is required to ensure that materials can be handled appropriately and safely, and to assist in the process of ensuring waste ceases to be waste and is classed as a material.

Background

The regulatory regimes associated with the scope of this guidance vary throughout the UK. A background to each is provided, depending on your location in the UK.

(E) (W) England and Wales

The Environmental Permitting Regulations (EPR) in England and Wales were introduced in 2007 and combined the requirements of the now superseded Waste Management Licensing Regulations and the Pollution Prevention Control Regulations (amongst others), to streamline regulation for industry, including waste treatment, storage and disposal operations. Under the EPR, certain waste management and disposal operations are exempt from permitting. The EPR are updated regularly; in April 2010 and 2012 the waste exemptions were updated. This changed many aspects of the exemption system, including

- the types of exempt activities
- the duration that the exemption is valid for
- the tonnage threshold limits for processing and reuse of waste.

See the EA guidance on the transitional provisions relating to exemptions at <http://goo.gl/eRPqD>

Methods of demonstrating that waste has been fully recovered have been published in the form of the quality protocol for the production of aggregate from inert waste in the UK and Version 2 of the CL:AIRE CoP (for England and Wales). These sit alongside the permitting regime (permits or exemptions apply while the waste is being processed in accordance with the quality protocol or the CoP, which have been developed to encourage the sustainable use of construction materials).

(S) Scotland

In Scotland, waste is regulated through the Waste Management Licensing Regulations 2011. A WML granted under the regulations will specify the type and quantity of waste that can be received by the licence owner and may contain special control conditions. Anyone involved with the keeping, treating, disposal or depositing of any waste on land must have an appropriate WML in place. It is also an offence when handling controlled and special waste to fail to comply with the requirements under the duty of care and Waste Management Licensing.⁴ Scottish exemptions are valid for 12 months and must be renewed annually if you intend continuing with the activity longer.

The 2011 regulations introduced new activities that can be carried out under an exemption rather than needing a WML (e.g., dry screening of mixed wastes); removed the need for a CoTC to demonstrate that a person is suitably qualified to hold a WML; and introduced the need for all businesses that carry their own waste to be registered as a waste carrier.

<http://goo.gl/dMOZU>

⁴Special Waste Regulations 1997 as amended 2004

(NI) Northern Ireland

Most waste management activities are regulated by the Waste Management Licensing Regulations (Northern Ireland) 2003, (as amended). These regulations determine whether activities need a WML or meet the criteria to allow the activity to be registered as exempt. There are 49 exempted activities in Schedule 2 of the 2003 regulations. These are split into simple and complex exemptions. Simple exemptions are considered to be relatively low risk. Complex exemptions carry a higher risk to the environment and human health.

<http://goo.gl/y5ibP>

Use of mobile plant on-site

Tiles, bricks and concrete (EWC 170101, 170102, 170103, 170107)

Refer to Figure 2: Demolition – Bricks, tiles and concrete

Crushers are used on sites to reduce the volume of demolition material produced and/or to process the material to a specification to enable it to be reused on- or off-site. The owner or operator of the plant is responsible for ensuring it has the necessary Part B (Part C in Northern Ireland) authorisation.

WARNING – Limits on the use of the crusher may also be in place in a Section 61 Agreement under the Control of Pollution Act 1974 for the site.

Requirements for all sites

- Crushing, grinding and other size reduction operations (e.g., for concrete and bricks) MUST comply with the relevant environmental permitting and waste management licensing legislation.
- All operations must be undertaken in full compliance with the site authorisations (MTP/MPL and Section 61), including due care and attention made to key requirements such as noise and dust generation.
- Records of any waste transferred to or from site must be recorded, including duty of care transfer notes.
- No contaminated materials, e.g., asbestos-containing materials, should be processed.
- Regular monitoring must formally recorded (e.g., laboratory testing for inspection if requested), including that relating to the visual assessment for ensuring that any processed material is free from contamination.

Before undertaking the operation, the following documentation **MUST** be in place.

(E) (W) England and Wales

- Regulated by local authority
- **Part B authorisation** (also referred to as local authority pollution prevention and control (LAPPC)) or T7 exemption (if small quantities are being processed) identifying the specific plant to be used within the permit documentation for the site
 - If the crushing plant has come with a Part B authorisation granted by a different local authority than the one covering the area where it will be used, contact should be made with the local authority to make it aware that the plant is operating in its jurisdiction.
 - A deployment form/operational plan (terminology varies dependent on area) must be submitted to the local authority responsible for the area within which the site lies. A copy should be retained on-site for reference.

(S) (NI) Scotland and Northern Ireland

- **MPL or Part B authorisation** in **Scotland** identifying the specific plant to be used within the licence documentation for the site
- **MPL or Part C authorisation** in Northern Ireland identifying the specific plant to be used within the licence documentation for the site
- A working plan or deployment form must be submitted to SEPA in Scotland or the district council in Northern Ireland.
- Paragraph 24 exemption is required in Northern Ireland if importing materials to site for treatment
- If you operate mobile plant that has been licensed in Scotland, you can use the plant in England and Wales without an EP. If you have an EP in England and Wales you must also get a WML to operate mobile plant in Scotland. If your site requires planning approval, you must get this before you apply for a WML. Your site must be managed by a competent person under the WML regulations. This person must be involved in the day-to-day running of the site.

Stones

Refer to Figure 3: Demolition – Stone

(E) (W) England and Wales

- Regulated by the EA

If your site needs to crush stone, a separate T5 exemption or mobile plant permit will be required.

A T5 exemption permits the screening and blending of inert construction and demolition waste other than bricks, tiles and concrete, including crushing on the site of production or where the treated waste is to be used. The exemption allows 5,000 tonnes of stone to be treated and to be stored at any one time over a three-year period.

<http://goo.gl/XFOys>

A mobile plant permit will be required if the quantity of material to be treated is greater than 5,000 tonnes of stone or it is not being used on the site of production. The standard rules mobile permit has a limit of 75,000 tonnes per deployment.

<http://goo.gl/5KfpQ>

Unlike the T7 exemption, which is registered with the local authority, the T5 exemption is registered with the EA.

(S) Scotland

A Paragraph 13 exemption permits the treatment of waste soil or rock that, when treated, is to be spread on land under Paragraph 7 or 9. The treatment of waste soil or rock must be carried out at the place where the waste is produced or the treated product is to be spread. The total amount treated must not exceed 100 tonnes a day.

(NI) Northern Ireland

A Paragraph 14 exemption is required for crushing stone and permits the treatment of waste soil or rock that, when treated, is to be spread on land under Paragraph 9 or 11. The treatment of waste soil or rock must be carried out at the place where the waste is produced or the treated product is to be spread. The total amount of waste soil or rock treated at that place must not exceed 100 tonnes a day.

Quality protocol for the production of aggregate from inert waste

Introduction

The quality protocol for the production of aggregate from inert waste was developed as a voluntary aid in identifying when such inert waste has been fully recovered, i.e., it has ceased to be waste and is a product. Use of the protocol in accordance with its requirements is strong evidence that the aggregate products have been fully recovered and are no longer waste. There will be a clear audit trail to demonstrate that the waste has achieved 'end of waste criteria' in accordance with current waste law.

Aggregate produced in accordance with the quality protocol and that has ceased to be waste can be reused on the site of production or another site without the requirement for an EP, WML or associated exemption from permitting or licensing. Duty of care for transfer of the aggregate as a waste will also not apply, so WTNs will not be required, although supply documentation of the recycled aggregate should be retained as described in the quality protocol.

The methodology used **MUST** fully address the requirements of the protocol in order for the resultant material to be considered to be fully recovered and therefore no longer waste.

TOPTIP: Use of the quality protocols could save you and the client money! Application of this may assist in adjusting your tender pricing structure to be more competitive.

Quality protocol checklist

The checklist below (Table 2) should be used as a guide to the documentation required to demonstrate compliance with the protocol.

Table 2: Quality protocol checklist⁵

Item	Description	Comment	Yes/No
Production and standards/specification requirements	Quality management system or equivalent that focuses on the production process to maintain consistent product quality Must comply with the FPC requirements specified in an annex of each of the relevant BS EN standards (see Table 3)	<ul style="list-style-type: none"> Quality management system or FPC manual outline or process methodology with procedures and controls Method statement of production. 	
Product description	A detailed description of the product and its use, including any applicable specification	<ul style="list-style-type: none"> Detailed product description 	
Waste management/acceptance of incoming waste	Demonstrate statutory and regulatory requirements are met Site-specific criteria (set by the site) for inert wastes only (see Table 4) that can be accepted for reprocessing on-site	<ul style="list-style-type: none"> Environmental permits/ waste management licences and exemptions Specification document, including waste description and EWC codes for acceptance Records of waste origin, i.e., location on-site, and waste description Non-compliant waste procedure to be included 	
Inspection and testing regime	Detailed sampling and testing regime of finished product to be documented and be appropriate to the material end use, the quality of incoming waste and the complexity of the waste recovery process This must be carried out in accordance with BS EN 932-1 and the FPC outlined above specific to the product (see Table 3)	<ul style="list-style-type: none"> Sampling and testing methodology Records of sampling and testing undertaken, minimum test frequency as required for particle shape (per production month) 	
Documentation	A statement that the product was produced under a quality protocol that conforms to the WRAP protocol	<ul style="list-style-type: none"> Signed quality statement from contractor 	

⁵WRAP quality protocol details for England, Wales, Scotland and Northern Ireland

<http://goo.gl/VjD2y>

Table 3: FPC standard requirements reference table

Product categories	BS EN standard
General fill	BS EN 13242:2002. Aggregates for unbound and hydraulically bound materials. (Annex C) and, where relevant, BS EN 13285. Unbound mixtures: Specifications
Capping	
Sub-base	
Aggregate for pipe bedding	
Recycled asphalt aggregate for asphalt	BS EN 13043:2002. Aggregates for bituminous mixtures and surface treatments for roads, airfields and other trafficked areas (Annex B)
Aggregate for asphalt	
Aggregate for concrete	BS EN 12620:2002. Aggregates for concrete (Annex H)

Table 4: Wastes classed as inert and accepted under site-specific WAC

EWC code and description of waste	Restrictions
Provided that there is no contamination, these are considered to be inert wastes.	
10 11 03 Waste-glass-based fibrous materials	Only without organic binders
15 01 07 Glass packaging	Selected construction and demolition waste acceptable only with low content of other types of materials such as metals, plastics, organics, wood and rubber. The origin of the waste must be known.
17 01 01 Concrete, including solid dewatered concrete process waste	
17 01 02 Bricks	
17 01 03 Tiles and ceramics	
17 01 07 Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06*	
17 02 02 Glass	
17 05 04 Soil and stones, including gravel, other than those mentioned in 17 05 04 ⁶	Excluding topsoil, peat and soil and stones from contaminated sites
17 05 08 Track ballast other than those mentioned in 17 05 07 ⁶	
19 12 05 Glass	
20 01 02 Glass	Separately collected glass only
20 02 02 Soil and stones restricted to parks waste	Only from garden and parks waste; excluding topsoil and peat

⁶These codes relate to the hazardous waste mirror entries in the EWC catalogue.

<http://goo.gl/ZTbvK>

The CL:AIRE CoP

(E) (W) Note that this only applies to England and Wales. There is no similar alternative for demolition-related materials in Scotland and Northern Ireland.

The definition of waste and the reuse of materials can be complex, CL:AIRE has produced a CoP that can be followed when reusing source-segregated aggregate on the site of production.⁷

The CoP covers

- ground-based infrastructure that is capable of reuse within earthworks projects, e.g., road base and concrete floors
- source-segregated aggregate material such as crushed brick and concrete arising from demolition activities to be reused on the site of production within earthworks projects or as sub-base or drainage materials
- stockpiled excavated materials that include the above.

Further options are available if the materials concerned are soil based.

⁷The CoP also focuses heavily on soil and made ground; further guidance is available on the CL:AIRE website.

<http://goo.gl/xPkN4>

Reusing aggregate on the site of production

Source-segregated aggregate materials can be reused on the site where they are produced providing that they are suitable for use (i.e., they do not need to be treated; refer to section above); are certain to be used (e.g., for concrete floors, sub-base or drainage materials); ensure the protection of human health and the environment; and the quantity of material does not exceed the necessary amount. The material will be classified as waste if it does not meet all of these criteria. Certainty of use is demonstrated through planning permissions and site drawings and plans. If prior treatment of material is required before material can be classed as suitable, this can be done using an MTP followed by the CL:AIRE CoP.

The CL:AIRE CoP can be followed when reusing source-segregated aggregate on the site of production. By following the CoP you demonstrate to the EA you are using suitable aggregate to complete the required site works. The following are required to comply with the CoP:

- A **verification plan, an MMP and a tracking system** must be produced to identify which materials are to be reused and their location, and to provide evidence that the plan has been followed. Make sure you have a copy of the MMP and the tracking system on-site and that you understand what you are required to do. Make sure that relevant site personnel are aware of and follow the plans and the system.
 - A QP (as defined in the CoP) must review the tracking system and the MMP, along with the site investigation and risk assessment, and **MUST** sign a declaration stating that they are happy the CoP will be followed. This is submitted to the EA before works commence.
- The **MMP** provides
 - details of the parties that will be involved with the implementation of the MMP
 - a description of the materials in terms of potential use and relative quantities of each category
 - the specification for use of materials against which proposed materials will be assessed, which is underpinned by an appropriate risk assessment related to the place where they are to be used
 - details of where and, if appropriate, how these materials will be stored
 - details of the intended final destination and use of these materials
 - details of how these materials are to be tracked
 - contingency arrangements that must be put in place before movement of these materials
 - the verification plan.
- A **verification report** will need to be produced at the completion of works involving the CoP and retained on file ready for inspection if required (note that this does not need to be submitted to the EA unless requested). It should include
 - appropriate site plans
 - the experience and qualifications of the person preparing the report in relation to the specific project
 - a description of the project
 - a description of how the use of materials links with the remediation strategy or design statement
 - reference to site investigation data where applicable
 - reference to risk assessments, including qualitative risk assessments
 - reference to the MMP and the tracking system, including alterations made and why
 - suitable-for-use criteria
 - treatment records where applicable
 - laboratory analyses where applicable
 - reference to WTNs, including return loads
 - signed delivery tickets
 - a record of any contingency arrangement(s) that had to be implemented
 - a record of the quantity of materials used and reference to tracking system
 - a signed declaration by the QP (submitted to EA at project start).
- The following requirements for a QP must be met:
 - corporate authority: The QP must be authorised to sign on behalf of their company in this area of activity.
 - chartered status, relevant academic qualifications and a minimum of five years' experience in the management of relevant projects, including a detailed CV with references
 - independence: The QP should not be directly involved in the management or execution of the project.
 - not barred from acting: The QP must not have any individual convictions under waste or environmental legislation, or be barred from acting in the capacity as a result of previous activities in the role of QP.
 - training: The QP must have attended a recognised minimum one-day training course on the CoP and role of the QP. Evidence of attendance is to be provided. You should ensure that any consultants used to sign off as a QP are aware that there is a specific training requirement; further details can be obtained from CL:AIRE website.
 - registration: The QP should be registered as such.

Figure 1: CL:AIRE on-site (E) (W)

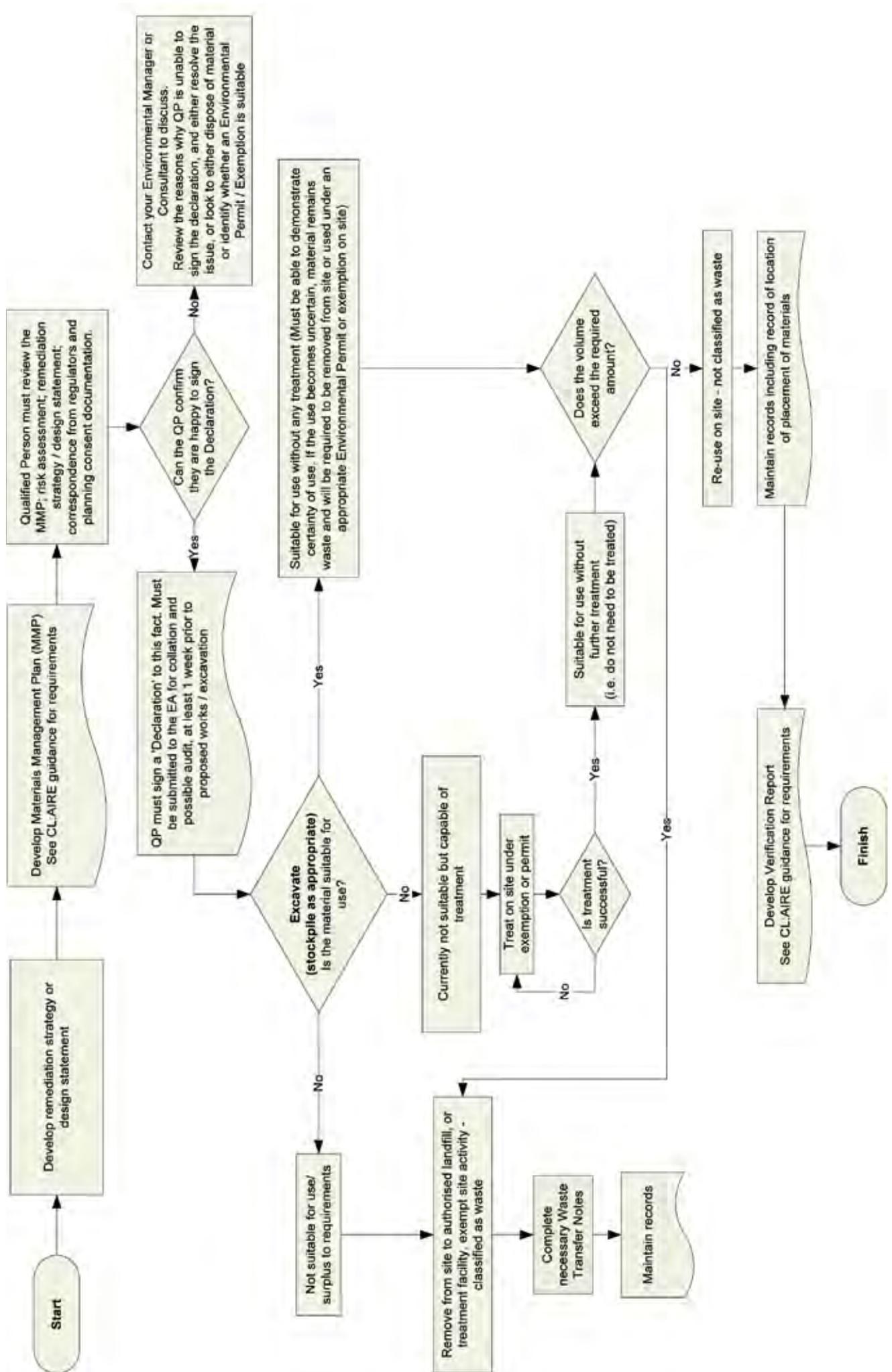


Figure 2: Demolition – Bricks, tiles and concrete

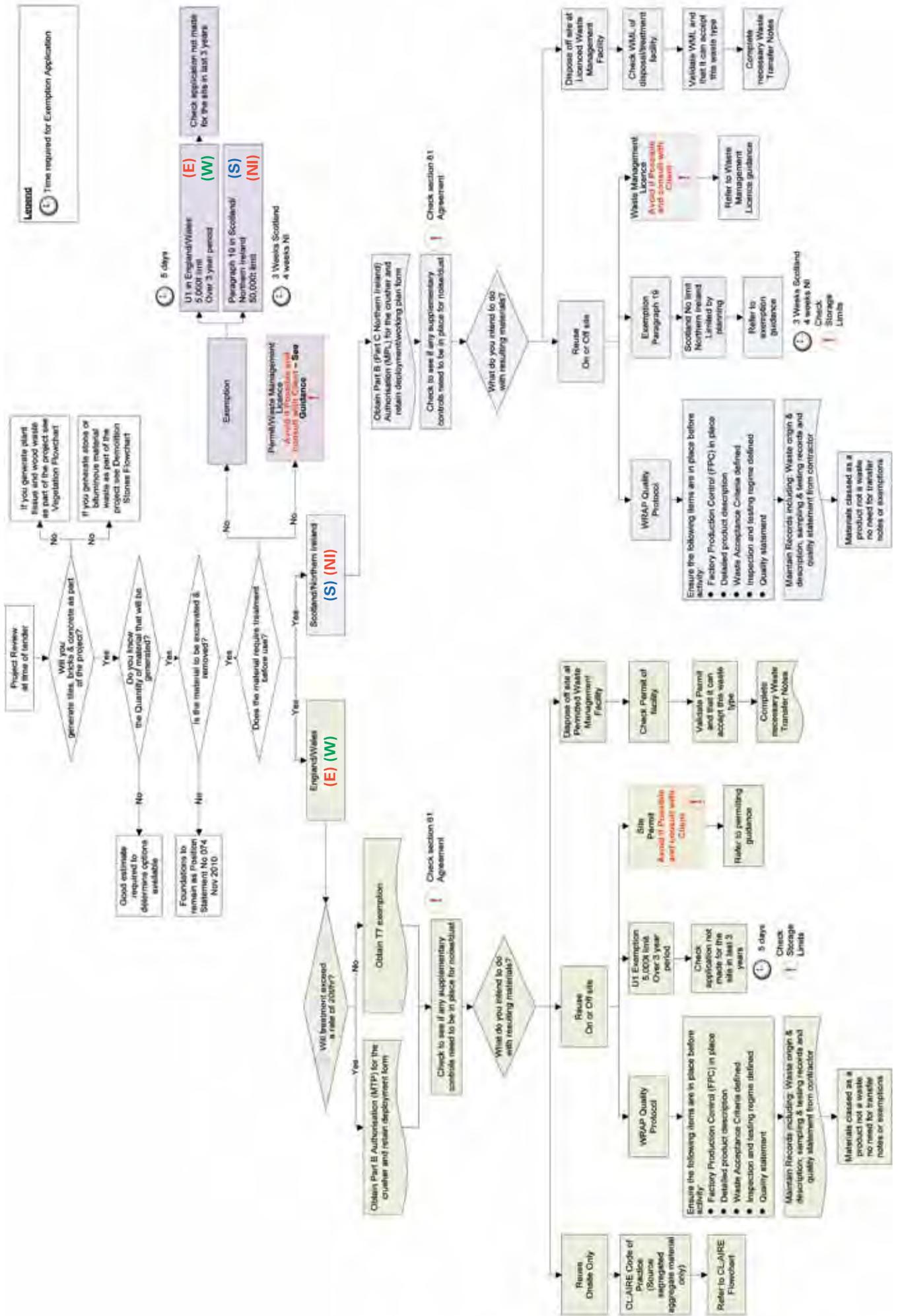
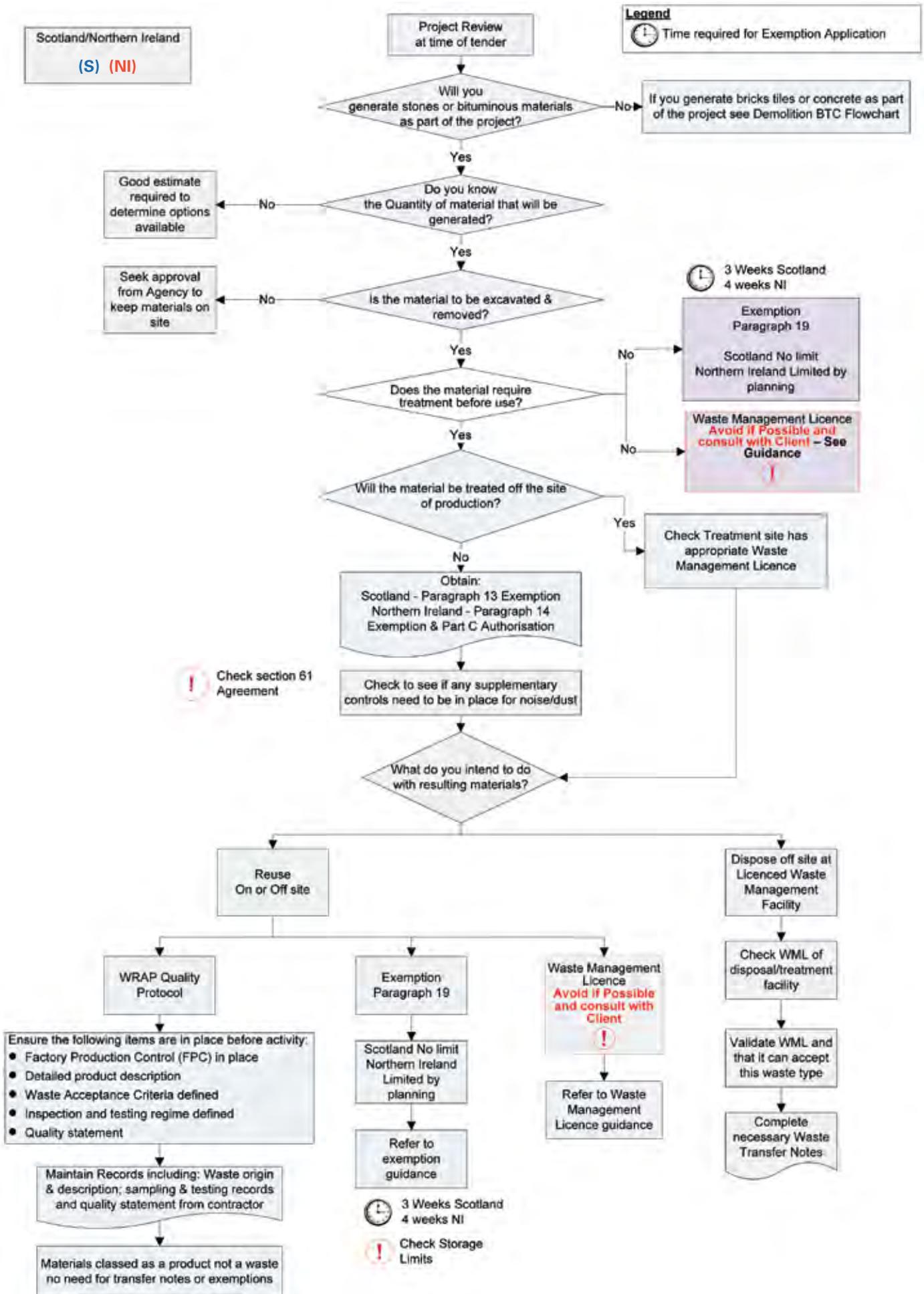


Figure 4: Demolition – Stones (S) (NI)



Exemptions

(S) (NI) Scotland and Northern Ireland

Some waste management activities are exempt from waste management licensing. If you carry out these activities, you do not need a WML. However, in most cases, you must register the exempt activity with the SEPA or NIEA. There are two types of waste management licensing exemption: simple and complex. Most waste management licensing exemptions have limits on the type of and quantity of the waste that can be treated or stored and how long it can be stored.

Common examples utilised by the demolition industry are

- Paragraph 19: Waste for construction and other 'relevant work': crushed rock and construction waste
- Paragraph 9: Reclamation or improvement of land: crushed rock and construction waste
- Paragraph 13: Manufacture of specified goods from specified wastes: demolition waste, crushed rock and construction waste
- Paragraph 21: Chipping, shredding, cutting or pulverising waste plant matter
- Paragraph 24: Size reduction of bricks, tiles or concrete.

Simple exemptions

Simple exemptions need to be registered with the SEPA or NIEA.

In Northern Ireland, registrations can be completed by downloading an application form and sending it to the NIEA. In Scotland, registrations can be completed through an application form or online. There is no fee for these exemptions.

<http://goo.gl/dMOZU>

<http://goo.gl/y5ibP>

Table 5: Paragraph 21 exemption

Paragraph 21	Scotland	Northern Ireland
Application form reference	WMX00	WMXS
Timescale	21 days	28 days
Costs	Free	Free
Process limits	1,000 tonnes in 7 days. Unlimited total quantity	1,000 tonnes in 7 days
Storage limit	1,000 tonnes	1,000 tonnes
Regulatory authority	SEPA	NIEA

Paragraph 24 allows the crushing, grinding or other size reduction of waste bricks, tiles and concrete. No more than 20,000 tonnes of waste can be stored before size reduction at any one time. Waste must be stored at the place where the activity is to take place.

In Northern Ireland, a Paragraph 24 exemption on the import site is required if tiles, bricks and concrete are brought there from another site to be crushed.

Complex exemptions

To carry out an activity covered by a complex exemption, you must register with the NIEA or SEPA and pay a registration fee 28 or 21 days before you start the activity (depending on the regulator). In Northern Ireland, the NIEA will tell you whether the exemption will last for one or three years. In Scotland, you must renew the exemption annually. To register or renew a complex WML exemption, the correct form should be downloaded and submitted to the NIEA or SEPA.

Table 6: Paragraph 19 exemption

Paragraph 19	Scotland	Northern Ireland
Application form reference	WMXFM19	WMX19
Timescale	21 days	28 days
Annual renewal required	28 days	Free
Costs	£811	£570
Limits	50,000 tonnes storage	Planning permission dictates level
Regulatory authority	SEPA	NIEA

Conditions

Conditions will be attached to the exemption and will vary according to the type of waste you have and the activity carried out. Typically, the conditions will include limits on the amount of waste being handled and the length of the activity.

(E) (W) England and Wales

Demolition materials are classified as waste but their reuse may be possible through the means described above. Wastes should be dealt with in strict accordance with the project's SWMP or MMP, which should identify what provisions or exemptions are to be in place (if any).

Exemptions are used to regulate low-risk waste activities such as chipping, shredding, cutting or pulverising wood and waste plant material, and the reuse of small quantities of clean soil. Exemptions were introduced to avoid the need for permitting, promote the recovery of waste and reduce the amount of waste disposed of at landfill.

The EPR in England and Wales were updated in April 2010 and further amended in April 2012 to change the types of exemption available. The main changes are

- exemptions are now free, except for one concerning treatment of waste electrical and electronic equipment (Paragraph T11)
- exemptions last for three years instead of one year
- the inclusion of maximum limits over three years on quantities covered by the exemption before a permit is required
- four exemption categories: use, treatment, disposal and storage
- a site can only register the same exemption every three years.

Categories of exemption

Exemptions are divided into four chapters:

- use (U)
- treatment (T)
- disposal (D)
- storage (S).

You must decide which category your activity falls under and then review the list of exemption activities within that category to determine whether any are applicable. The following web page outlines how to determine whether an exemption is applicable and links to the exemptions themselves: <http://goo.gl/snfgy>

Table 7: U1 exemption

U1: Use of waste in construction	England and Wales
Application form reference	WEX001
Timescale	5 days
Costs	Free
Storage limits	As for usage limits
Usage limits	Dependent on the waste type: <ul style="list-style-type: none"> • 1,000 tonnes • 5,000 tonnes • 50,000 tonnes for 170504 road sub-base only or bituminous mixtures
Regulatory authority	EA

Registering exemptions

Exemptions are registered with the EA through its website <http://goo.gl/uVt69> in England and Wales, and are valid for a period of three years. Note that a site can only be registered for one exemption of each type in any three-year period. Applications for registration of an exempt activity will be registered or refused within five working days of receipt (apart from T11 which will be determined within 25 days of receipt).

Operations that had an exemption registered under the 2007 regulations before 6 April 2010 can maintain operating under the 2007 regulations until the transition period for that exemption finishes. All exemptions will have transferred to the 2010 regulations by October 2013.

- Exemptions commonly used on construction sites (e.g., Paragraph U1 for reuse of waste in construction) can take up to five working days to be registered and cannot be registered retrospectively.

Table 8: Exemption transition schedule

Exemption	Replaced by/removed	Transition period ended/s
Paragraph 9: Reclamation, restoration or improvement of land	Site or mobile plant permit (SR2010 Nos 5, 9 or 10)	1 October 2011
Paragraph 19: Waste for construction	U1: Use of waste in construction; U8: Use of waste for specified purpose	1 October 2011
Paragraph 21: Chipping, shredding, cutting or pulverising of waste plant matter	T6: Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising	6 April 2012
Paragraph 24: Operation of crushing plant (for the crushing, grinding and size reduction of concrete, brick, tiles and ceramics)	T7: Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size Note: Permits trivial crushing only. Registered with the local authority	1 October 2013
Paragraph 13: Manufacture and treatment of construction materials and timber products	T5: Screening and blending of waste Note: Permits small-scale treatment where the waste is produced or where the aggregate/soil is to be used	6 April 2012

(E) (W) <http://goo.gl/uVt69>

(S) <http://goo.gl/dMOZU>

(NI) <http://goo.gl/y5ibP>

Low-risk waste operations

Low risk waste operations are those which are not exempt from permitting but which do not justify enforcement. They can provide the potential for new exemptions in subsequent waste exemption reviews.

An example is LRW339: secure storage of up to 20 tonnes of waste plasterboard and gypsum wallboard for up to one month in a sealed weatherproof container pending recovery.

(E) (W) <http://goo.gl/zRfS3>

(NI) <http://goo.gl/sNk64>

Regulatory position statements

The EA position statements outline where it stands on important issues and the solutions it calls for. An example would be the CL:AIRE CoP or demolition waste left in situ. The position statement for demolition waste left in situ means the EA would not normally require the foundations of demolished large structures to be excavated and transported for disposal or recovery elsewhere and will not require the operator to apply for an EP in order to leave the waste in situ.

(E) (W) <http://goo.gl/T2bxB>

Position statements are also available in Scotland and can be found at:

(S) <http://goo.gl/xVcZp>

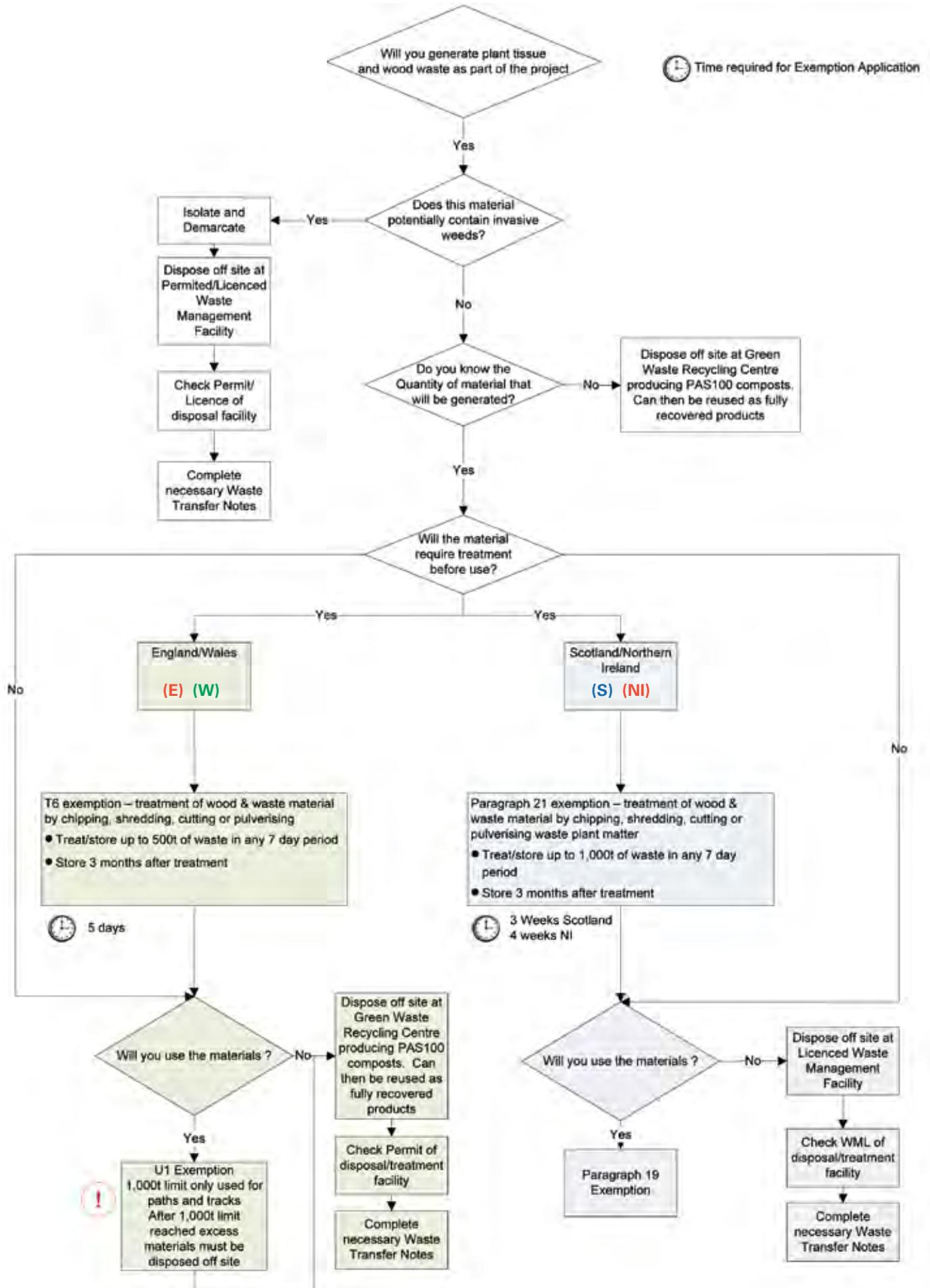
Northern Ireland

(NI) <http://goo.gl/ytQiS>

Table 9: Activity and associated exemptions

Activity	Exemption required
Reuse and treatment of demolition material	
Reuse of demolition material (not crushed or processed) on the site where it was produced	Exemption required or follow CL:AIRE CoP
Reuse of demolition material (not crushed or processed) NOT on the site where it was produced	U1: Use of waste in construction exemption required; WTNs required for movement of waste between sites; 5,000-tonne limit if using mixtures of concrete, bricks, tiles and ceramics (EWC 170107) or 1,000-tonne limit if using soil and stones and maximum of 12 months for any storage of waste
Reuse of demolition material (crushed e.g., to 6F2) on the site where it was produced (but not processed in accordance with the WRAP quality protocol) for the production of aggregate from inert waste (see WRAP quality protocol guidance)	U1: Use of waste in construction exemption required; 5,000-tonne limit if using mixtures of concrete, bricks, tiles and ceramics (EWC 170107) or 1,000-tonne limit if using soil and stones (EWC 170504) and maximum of 12 months for any storage of waste
Reuse of demolition material (on the site where it was produced) crushed or processed as per the requirements of the quality protocol for the production of aggregate from inert waste (see WRAP quality protocol guidance)	An exemption (T7), MPL, MTL or Part B permit will be required for the waste recovery process of crushing or screening the waste. If the requirements of the quality protocol are met, the reuse does not require a permit or exemption.
Reuse of demolition material (not on the site where it was produced) crushed or processed as per the quality protocol	An exemption (T7, MPL, MTL or Part B permit will be required for the waste recovery process of crushing or screening the waste. If the requirements of the quality protocol are met, the reuse does not require a permit or exemption.
Small-scale treatment of waste to produce aggregate or soil	<p>T5: Screening and blending of waste. Example activities include crushing wastes (except bricks, tiles and concrete) before screening or blending; grading of waste concrete after crushing to produce the type of aggregate required for use on the site of production. Store or treat up to 5,000 tonnes of waste in a three-year period. Store or treat up to 50,000 tonnes of bituminous mixtures for making road stone.</p> <p>T7: Trivial crushing activity or Permit Part B authorisation covered in Schedule 8 of the Environmental Permitting Regulations 2010 in England and Wales. You must have a copy of this before starting work.</p>
Reuse and treatment of plant material	
Treatment of wood and waste plant matter by chipping, shredding, cutting or pulverising	T6: Treatment of wood and waste plant matter by chipping, shredding, cutting or pulverising for the purpose of recovery; treat or store up to 500 tonnes of waste over any seven-day period and store the treated waste for up to three months after treatment. Does not include treated wood that is hazardous
Use of wood chips to surface paths	U1: use of waste in construction: use is only for wood chips made from untreated wood.

Figure 5: Vegetation



Vegetation

(S) (NI) Scotland and Northern Ireland

Paragraph 21 exemption is required to chip, shred, cut or pulverise waste plant matter or for the sorting and baling of sawdust or wood shavings on-site.

No more than 1,000 tonnes of waste may be dealt with in any period of seven days. The storage of the waste must be at the site where the activity is to be carried out and must not exceed 1,000 tonnes.

Paragraph 21 exemptions are classed as simple and therefore are free in Scotland. There is a fee of £730 every three years in Northern Ireland. The exemption can be registered online. In Scotland, the exemption has to be renewed annually.

(S) <http://goo.gl/dMOZU>

(NI) <http://goo.gl/y5ibP>

(E) (W) England and Wales

A T6 exemption is required for the treatment of wood and wood waste plant matter by chipping, shredding, cutting or pulverising. Up to 500 tonnes of waste material can be treated or stored in any seven-day period throughout the three-year period and the treated woodchip can be stored (**within the 500-tonne storage limit**) for up to three months. The woodchip must be recovered (e.g., reused or composted).

The exemption lasts for three years and is free to register.

Exemptions can be registered online. The following web page outlines how to determine whether an exemption is applicable and links to the exemptions themselves: <http://goo.gl/snfgy>

Environmental permits

In some cases, material used directly on the same site may not be classed as waste and hence no exemption or permit will be required. If the waste requires any treatment before use or if it leaves site it will certainly be waste.

An EP or an exemption from the regulations is required whenever waste is stored, treated or disposed of on a site. Permits are used to regulate those waste activities that are not covered by an exemption, a low-risk position or a regulatory position and so more likely to pose a significant potential risk to the environment (e.g., a landfill).

WARNING Permits can be difficult to surrender and require up-front discussion with the EA and the client; involve higher costs and additional competencies on-site; and have the potential to create problems, e.g., warranty or insurance provision with land values if not handled effectively by specialist consultants. In some circumstances, these are the best or only solutions, but, given the potential issues surrounding their use, clarity must be provided by the client to ensure that all parties are well informed.

TOPTIP Ensure that the client is aware of the disadvantages and advantages of a permit and take specialist advice.

There are two types of permit: standard and bespoke.

Standard permits

Standard permits are issued to regulate activities viewed as lower risk.

For example, **SR2010 No. 7 use of waste in construction** permits the use of up to 50,000 tonnes; and **SR2010 No. 11 mobile plant for the treatment of waste to produce soil, soil substitutes and aggregate** permits the use of up to 75,000 tonnes per deployment. Any activity regulated by a standard permit must conform to one or more sets of standard rules for that permit. If your activity does not conform to the standard rules, a bespoke permit will be required. Standard permits for waste are divided into the following categories:

- keeping or transfer of waste
- biological treatment of waste
- metal recovery or scrap metal
- materials recovery or recycling
- recovery or use of waste on land
- treatment to produce aggregate or construction materials
- incineration.

You must determine which category applies to your activity and then review the standard permits and rules to ensure that your activity conforms before applying for the permit.

Bespoke permits

Bespoke permits are granted to regulate higher risk activities that do not conform to the standard rules or for which a standard permit does not exist.

Applying for a permit

Permits are issued by the EA. See its website <http://goo.gl/x0s39>

Forms are available for completion for both standard and bespoke permits. A decision regarding an application for a standard permit will be made within three months of receipt and within four months for a bespoke permit.

Costs for a standard permit depend on the permit but are generally between £1,500 and £2,600 for the application with an annual subsistence fee of between £1,540 and £2,420. The costs for bespoke permits are generally higher and are risk based.

For mobile plant/treatment permits there is a fee per deployment instead of an annual subsistence charge.

Other costs relate to the need to provide a site manager who is technically competent (see below) and to produce a management system for the site. In addition, an application must be made to surrender the permit at the end of the life of the site.

Details of the costs associated with permits can be found at <http://goo.gl/DBpXp>

Permit surrender

Before accepting the surrender of a permit, the EA must be satisfied that the condition of the land is unlikely to cause pollution of the environment or harm to human health.

The EA may therefore accept the surrender of a permit from a site that still has contamination present providing the contamination is unlikely to cause harm to human health or the environment.

The guidance (RGN 9) for permit surrender can be found at <http://goo.gl/icSdu>

Waste management licences

(S) (NI) Scotland and Northern Ireland

A WML granted under the regulations will specify the type and quantity of waste that can be received by the licence holder and may contain special control conditions. Anyone involved with the keeping, treating, disposal or depositing of any waste on land must have an appropriate WML in place.

Licence conditions will vary from site to site to ensure the protection of the environment, the avoidance of harm to human health and the protection of local amenities.

Applying for a licence

The estimated timescale for an application is four months. Before submitting an application to the NIEA or SEPA, discussions should be held with the SEPA or NIEA office local to the site. Applications cannot be made online; however, the relevant forms can be downloaded.

Application forms can be downloaded at:

(S) <http://goo.gl/RSaMZ>

(NI) <http://goo.gl/AlngJ>

Costs for licences

The costs for WMLs vary and depend on the quantity of waste being generated. For quantities under 500 tonnes, the cost is over £400 in Northern Ireland and £500 in Scotland. At the higher end, the cost increases to over £800 for quantities exceeding 25,000 tonnes.

Licence surrender

Before accepting the surrender of a licence, the NIEA or SEPA must be satisfied that the condition of the land is unlikely to cause pollution of the environment or harm to human health.

The NIEA or SEPA may therefore accept the surrender of a licence from a site that still has contamination present providing the contamination is unlikely to cause harm to human health or the environment.

Technical competence

To apply for an EP or a WML for a waste operation, operators need to demonstrate their technical competence. There are two approved schemes: CIWM/WAMITAB and ESA/EU Skills. The assessment of technical competence has recently changed in Scotland. Further details can be found at:

(E) (W) <http://goo.gl/DBpXp>

(S) <http://goo.gl/DBpXp>

(NI) <http://goo.gl/RwSvq>

Provision assessment of technically competent management at licensed waste management facilities.

Appendix

Statutory guidance on the legal definition of waste and its application (August 2012) can be found at <http://goo.gl/WZhwj>

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