

Agricultural Waste and the Waste Exemption Review

Frequently Asked Questions

The system of waste exemptions is changing. Find out how these changes will affect farmers.

Contents

The Waste Exemptions Review

- What is the waste exemptions review?
- How does this affect farmers?
- Why are the waste exemptions changing?
- What is changing?

Moving into the new system

- What do I need to do now?
- What activities do the brand new waste exemptions cover?
- I'm interested in registering one of these new waste exemptions, what should I do?
- If I change the way I operate on my farm after 6th of April 2010, can I add waste exemptions to those I hold under the old system?
- Can I hold an "old" waste exemption and a "new" waste exemption at the same time for the same activity?
- Is there an easy way for me to see which new waste exemptions cover my old ones?
- Are the waste exemptions which I hold under the old system still legally binding?
- Can I move early?
- I import industrial waste onto my farm and spread it on my land, what do I need to do?
- I import biodegradable waste from a non-agricultural source onto my farm and compost it, what do I need to do?
- I import small amounts of road planings/tarmac scalplings onto my farm to improve my tracks, what do I need to do?
- What about if I am registering my waste exemptions for the first time on or after 6th of April 2010?
- What happens when the ownership of a farm changes hands?
- Is there going to be a waste exemption for burning tomato haulm?

Registering waste exemptions under the new system

- How do I register?
- What information do I need to provide to you when I register a waste exemption?
- How do you define "place" when registering waste exemptions?
- How can I obtain a 12 digit grid-reference?
- Does it cost money to register?
- How long will my registration last?
- Is there a grace period?
- Why do I have to renew my waste exemptions every three years?

- Can I register additional waste exemptions before the renewal date?
- Can I remove waste exemptions if I am no longer carrying out the activity?
- Can I register through the Whole Farm Approach system?

Standard permits

- What is a standard permit?
- I'm carrying on an operation which will now require a permit, where can I find out more information about how to prepare?
- How does the new landspreading standard permit work?

The Waste Exemptions Review

What is the waste exemptions review?

Defra and the Welsh Assembly Government (WAG), supported by the Environment Agency have reviewed waste operations to identify those that can operate under waste exemptions, and those that would be better regulated through a permit. The range of waste exemptions has been expanded to include low risk activities currently not covered by the legislation and the new system will be easier for businesses to understand and comply with.

There is new legislation coming into force on 6th April 2010 which will completely overhaul the existing system of waste exemptions. The changes will affect everyone who is carrying out an exempt waste operation or intending to in the future.

How does this affect farmers?

In 2006, agricultural waste became subject to the same controls which had applied to other sectors for many years. The vast majority of farmers carry out small scale waste management operations on their farm and need to register waste exemptions. Exemptions cover activities such as:

- Burning hedge trimmings on a bonfire;
- Chipping and shredding wood;
- Using tyres as a silage clamp;
- Depositing dredgings cleared from farm ditches along the banks.

Currently, over 80,000 farmers have registered their waste exemptions. Everybody, including farmers, will need to move into the new system. However, we recognise that farmers are relatively new to regulation, so they are being given the most time to prepare.

Why are the exemptions changing?

Although regulation is relatively new for agricultural waste, the current waste exemptions system has been in place for over 15 years. Some minor changes have been made over that time, but a complete overhaul was needed so that waste exemptions could meet the needs of industry and the developments in waste management techniques and technology. There was also evidence of environmental harm resulting from some of the more complex and higher risk waste exemptions. As

agricultural waste helpline

0845 603 3113

incident hotline

0800 80 70 60

floodline

0845 988 1188

www.environment-agency.gov.uk/agriculturalwaste

technology changed and recycling increased there were many organisations carrying out activities which posed relatively low risk to the environment and human health, but which could not benefit from a waste exemption.

What is changing?

To make it easier to find the waste exemption which covers your waste management operation the new system has grouped exempt waste operations into the types of operation. There are four categories:

- Use of waste. These exemptions are identified by a “U”;
- Treatment of waste. These exemptions are identified by a “T”;
- Disposal of waste. These exemptions are identified by a “D”;
- Storage of waste. These exemptions are identified by an “S”.

In total, there are over 60 waste exemptions split between these four categories. Roughly half of these are relevant to agricultural activities. Nearly all of the waste exemptions which you could register under the old system have a corresponding exemption in the new system. However, in many cases slight changes have been made to the limits and conditions covering what you can do under the waste exemption. There are also several brand new waste exemptions which could apply to farming. Waste exemptions will still be free, but they will need to be renewed every three years. This will ensure that the public register of exempt waste operations is kept up to date, helping our customers check that anyone they give their waste to is authorised to take it.

We are developing comprehensive guidance for farmers. This will explain which waste exemptions to register for specific operations on your farm, and help you to understand the changes between the old system and the new system.

Moving into the new system

What do I need to do now?

If you have registered your waste exemptions under the old system, you have until 1st October 2013 to move into the new system. However, there are different dates for certain operations which involve importing non-agricultural waste, for example landspreading industrial wastes such as paper sludge. Agricultural waste is that produced in the course of work on land used for agriculture and carried out in connection with the use of the land for that purpose. In other words, the waste must be produced on a farm and have been produced in the course of farming. The specific exemptions that are caught by this are the old paragraphs 7, 9, 12, 13, 19 and 21. These have different transitional dates where they involve non-agricultural waste. This is explained in greater detail in our guidance.

We suggest that you prepare for the changes by looking at our guidance, which includes a table mapping old waste exemptions over to the new system. You should then look at the detailed guidance on the new waste exemptions and check that you can meet the revised limits and conditions. If you can't meet the limits and conditions, you will have to apply for a permit or stop carrying out the operation by 1st October 2013.

agricultural waste helpline

0845 603 3113

incident hotline

0800 80 70 60

floodline

0845 988 1188

www.environment-agency.gov.uk/agriculturalwaste

There are also some brand new waste exemptions which might be applicable to activities which you carry out on your farm. You should read our guidance and check to see if any of these are relevant to you.

We will be writing to all farmers who registered under the old system closer to the time to explain exactly what they need to do, and we will make it as easy as possible for you to move into the new system.

What activities do the brand new waste exemptions cover?

There are some brand new waste exemptions which are now available, covering operations which you might be carrying out on your farm:

- U1 for using baled tyres in construction;
- T19 and U5 for making biodiesel out of waste vegetable oil and using it in your tractors or generators;
- U12 for spreading mulch;
- T27 for treating sheep dip with enzymes to break it down (please note, Landguard OP-A is currently the only approved product which you can use for this. It is currently unavailable, and there is further information on this issue on our website: <http://www.environment-agency.gov.uk/research/library/position/116250.aspx>);
- T29 for treating pesticides in a carbon filtration system such as a sentinel unit;
- T24 for carrying out anaerobic digestion on your farm;
- T14 for crushing and emptying waste oil filters.

I'm interested in registering one of these new waste exemptions, what should I do?

There is no need to register the waste exemption for treating pesticides in a carbon filtration system or for treating sheep dip with enzymes until October 2013. This means you can register these waste exemptions when you move your existing waste exemptions into the new system. This is because we have extended our current position which enables customers to carry out these operations without needing to register them.

You may register any of the other new waste exemptions from 6th April 2010 onwards. If you do this, it does not affect any waste exemptions which you hold under the old system. You do not need to move any agricultural waste exemptions which you held under the old system into the new system until 1st October 2013.

However, you may wish to take this opportunity move all of your old waste exemptions over to the new system early. This will save you the administrative burden of having two sets of exemptions registered which you have to comply with and remember to renew when necessary. If you move into the new system early, you will only have one set of exemptions which you will need to renew every three years.

If I change the way I operate on my farm after 6th of April 2010, can I add waste exemptions to those I hold under the old system?

If you change the way you operate after the 6th April 2010 and wish to add waste exemptions to those you currently hold, you would have to register these exemptions under the new system. Again, this

agricultural waste helpline

0845 603 3113

incident hotline

0800 80 70 60

floodline

0845 988 1188

www.environment-agency.gov.uk/agriculturalwaste

does not affect any waste exemptions which you hold under the old system, but moving all of your exemptions over will reduce the amount of paperwork you have to do in the long term.

Can I hold an "old" exemption and a "new" exemption at the same time for the same activity?

If you are registering a waste exemption under the new system and you hold its equivalent under the old system, the old waste exemption immediately becomes invalid.

Is there an easy way for me to see which new waste exemptions cover my old ones?

We have produced a table mapping the old waste exemptions over to the new ones. This will be available in our guidance and will also be published on our website. It will help you find detailed guidance on the waste exemptions you might need to register in the new system. You should read this guidance carefully before you register; taking the opportunity to check if the waste exemptions which you are registering still correspond with the operations you carry out on your farm.

Are the waste exemptions which I hold under the old system still legally binding?

Yes. You must still make sure that you comply with the waste exemptions you hold in old system during this transitional period. We are adding the guidance which we sent out with the registration pack onto our website so that you can easily check that you are still operating within the limits and conditions. If you hold Paragraph 7 or Paragraph 19 exemptions for agricultural waste only, you must still renew them annually between now and October 2013. We will still send you reminders about this.

Can I move early?

You can move into the new system before 1st October 2013 if you wish. Any waste exemptions which you hold under the old system will automatically be de-registered when you move.

I import industrial waste onto my farm and spread it on my land, what do I need to do?

Some farmers import wastes such as material from food and drinks manufacturing processes and spread them on their land to benefit the soil. To carry out this operation, you need to have a chargeable Paragraph 7 exemption registered. You could not register this through the agricultural waste registration pack when you registered your other exemptions. It required a separate application form and a fee.

The new waste exemption U10 "Spreading waste on agricultural land to confer benefit" will cover some operations which are currently carried out under the Paragraph 7 exemption. If you hold a Paragraph 7 exemption for spreading non-agricultural waste on 5th April 2010, you will have until 1st October 2012 to:

- Apply for the new U10 waste exemption if you can meet the revised limits and conditions;
- Apply for an environmental permit if you can't meet the limits and conditions of the new waste exemption. There is a new standard permit for landspreading activities;
- Stop the activity.

agricultural waste helpline

0845 603 3113

incident hotline

0800 80 70 60

floodline

0845 988 1188

www.environment-agency.gov.uk/agriculturalwaste

As the amounts and types of waste which you can use under a U10 waste exemption are very limited compared to the current waste exemption, the majority of customers carrying out this activity will require a permit. See the section of this document on permits for information about the new landspreading permit.

You must comply with the limits and conditions of the Paragraph 7 exemption during the transitional period, including renewing each year as necessary.

I import biodegradable waste from a non-agricultural source onto my farm and compost it, what do I need to do?

Some farmers import wastes such as green wastes from local landscape gardeners or council contractors and then compost them. To carry out this operation, you need to have registered a full Paragraph 12 exemption. You could not register this through the agricultural waste registration pack when you registered your other exemptions. It required a separate application form in which you had to provide detailed information about the way you planned to operate.

The new waste exemption, T23 “Aerobic composting and associated prior treatment” will cover some operations which are currently carried out under the Paragraph 12 exemption. However the amounts and types of waste which you can use will be greatly restricted. For example, the amount of waste which you can compost at any one time will be reduced from 1000 cubic metres to 80 tonnes.

If you hold a Paragraph 12 Exemption for composting non-agricultural waste on 5th April 2010, you will have until 1st October 2011 to:

- Apply for the new T23 waste exemption if you can meet the revised limits and conditions.
- Apply for an environmental permit if you can't meet the limits and conditions of the new waste exemption. There is a new standard permit for composting biodegradable waste;
- Stop the activity.

You must comply with the limits and conditions of the Paragraph 12 exemption during the transitional period.

I import small amounts of road planings/tarmac scalpings onto my farm to improve my tracks. What do I need to do?

We currently allow farmers to use up to 150 tonnes of road planings per year on their farms without registering a chargeable Paragraph 19 exemption. Under the new regulations, this operation will be covered by the U1 waste exemption “Use of Waste in Construction”. We are extending our position on the use of small amounts of road planings until 1st of October 2013, so you will need to make sure that you register your U1 exemption when you decide to move into the new system.

What about if I am registering my waste exemptions for the first time on or after 6th April 2010?

If you have not registered before 6th April 2010, you will just register under the new system. You will be able to find information on how to do this on our website at:

agricultural waste helpline

0845 603 3113

incident hotline

0800 80 70 60

floodline

0845 988 1188

www.environment-agency.gov.uk/agriculturalwaste

www.environment-agency.gov.uk/agriculturalwaste

Alternatively, call our agricultural waste helpline on 0845 603 313 who will be happy to advise you further.

What happens when the ownership of a farm changes hands?

If the ownership of a farm which was registered under the old system changes between now and 1st October 2013, the new owner should register waste exemptions under the new system for all the exempt waste operations they will carry out. This must be done before they carry out any of the exempt waste operations.

Is there going to be a waste exemption for burning tomato haulm?

No. To give industry time to adapt we will allow this activity to be carried out until October 2013. We consider it is unlikely that operators will want to obtain an environmental permit to continue burning after October 2013 and expect the industry to adopt alternative recovery or disposal methods or use vegetable based supports.

Registering waste exemptions under the new system

How do I register?

You will be able to register online at:

www.environment-agency.gov.uk/agriculturalwaste.

This is the quickest and easiest way to register. Alternatively, you can phone our agricultural waste advice line on 0845 603 3113 and we will send you an application form and detailed guidance to help you choose the right waste exemptions. You must read the detailed guidance before you register your waste exemptions as it is important that you understand exactly what you are signing up for.

What information do I need to provide to you when I register a waste exemption?

You need to provide the following information in order to register a waste exemption:

- the name and address of your business,
- which waste exemption(s) you wish to register;
- the place where you are carrying out the operations. This must include a postcode, or if no post code is applicable, a 12 digit grid-reference.

All of these details will be added to our public register.

You also must sign a declaration to confirm that you have read the limits and conditions of the waste exemptions which you are registering and will carry out the operations without causing harm.

agricultural waste helpline

0845 603 3113

incident hotline

0800 80 70 60

floodline

0845 988 1188

www.environment-agency.gov.uk/agriculturalwaste

In addition to this, we need the name and contact details of a person who is the main contact for the registration. This information will not be added to the public register. This contact will receive correspondence relating to the registration.

How do you interpret “place” when registering waste exemptions?

We are continuing the approach which we previously adopted when interpreting the place which you carry out your exempt waste operations:

The place of production refers to anywhere on the premises registered by the farmer as one farm. This means that, for example, plant material from one part of the farm may be transported to another field on the same registered premises for burning (assuming there is a suitable waste exemption in place) even if the fields are several miles apart.

If you have several agricultural premises which are part of your business, that operate from different addresses as separate units, then each unit needs to register the operations taking place on a separate form.

For example, if you have three farms (Manor Farm, Home Farm and East Farm) in three distinct areas and each has separate management and correspondence, then we would describe this as three agricultural premises and three forms will be required.

However, we consider that single agricultural premises as: ‘a parcel or parcels of land used for agriculture where all day to day agricultural activities are managed as a single operating unit from one address’. If this describes your operations, you will only need to fill in one form to cover all the exempt waste operations carried out on your premises. This includes all buildings and locations across your premises, if they are run as one unit.

For example, if you have three farm yards (Manor Farm, Low Yard and High Yard) but all business correspondence is addressed to one location (Manor Farm), then we would call this one agricultural premises and any activities you register, on one form, would apply to all three yards and associated fields.

How can I obtain a 12 digit grid-reference?

Remember, you only need to give us a 12 digit grid-reference if you can't provide us with a postal address including a post code. It is unlikely that there will be many farms registering where this will be the case. If you can't provide us with a valid postal address, then you can obtain an 8 digit grid-reference from the Ordnance Survey website. This can then easily be converted into a 12 digit format:

<http://www.ordnancesurvey.co.uk/oswebsite/getamap/>

Select “I want to get a map now!”. Enter a place name which will help you find the location you are looking for. Select the correct point on the map. The 8 Digit grid-reference appears at the bottom of the map. To turn this into a 12 digit grid-reference, you will need to add zeroes to the end of the two groups of numbers. For example,

TQ 736 512

agricultural waste helpline

0845 603 3113

incident hotline

0800 80 70 60

floodline

0845 988 1188

www.environment-agency.gov.uk/agriculturalwaste

would become TQ 73600 51200.

Does it cost money to register?

It is still free to register your waste exemptions.

How long will my registration last?

Your registration will last for three years. You will then need to renew your waste exemptions if you are still carrying out the same operations. The renewal process will be very simple and the quickest and easiest way to renew will be online.

Will I receive a reminder before my waste exemptions expire?

We will send you a reminder one month before your waste exemptions expire. However, we strongly recommend that you keep a note of your renewal date because it is illegal to carry out exempt activities once they have expired.

Is there a grace period?

There is no grace period. If you do not renew in the month before your registration elapses, your waste exemptions will be deregistered.

Why do I have to renew my waste exemptions every three years?

Renewing waste exemptions every three years will ensure that our public register is kept up-to-date, helping customers to be sure that the businesses they are giving their waste to are authorised to receive it.

Can I register additional waste exemptions before the renewal date?

Yes. If you add waste exemptions, we will set them to all expire at the same time as your original registration so you only have one date to remember. You will need to call us on 0845 603 3113 if you want to do this.

Can I remove waste exemptions if I am no longer carrying out the operations?

If you don't renew the exemption, we will remove it automatically for you.

Can I register through the Whole Farm Approach system?

From 6 April 2010, new applicants will no longer be able to complete the waste questionnaire on Whole Farm Approach. There will be a link to our own online registration system instead.

Standard Permits

What is a standard permit?

A standard permit contains only one condition, which refers to a fixed set (or sets) of Standard Rules that an operator must comply with. Standard rules define how the operator must carry out the activity, for example by limiting the waste types that can be brought onto the site.

If an operator wishes to carry out an activity covered by the standard rules and is sure that they can comply with those rules, then they can apply for a standard permit.

Because the rules are pre-published and standardised, this is easier, quicker and cheaper than applying for a bespoke permit, which requires a more detailed assessment.

Standard rules are developed on the basis that an activity can be carried out under the rules that have been put in place at a particular location without causing pollution or nuisance.

This means that under the standard rules, activities can only be carried out in areas away from sensitive receptors such as habitats or groundwater. This is because if they are near these sensitive places additional controls might be needed that are not standard.

If you cannot meet the requirements of the Standard Rules sets you want to apply for, or if you want to carry out activities that are not covered by the existing Standard Rules sets, you will need to apply for a Bespoke Permit.

Most farmers with waste exemptions registered under the existing system will still be exempt from needing a permit in the new system. Some farmers, particularly those currently importing waste under a chargeable exemption, will need to apply for a permit at the end of the transitional period.

I'm carrying on an operation which will now require a permit, where can I find out more information about how to prepare?

We have produced a guide called "Making the step to permitting" which will help anyone who is new to applying for Environmental Permits. This is available on our website:

http://www.environment-agency.gov.uk/static/documents/Business/Making_the_steps_to_permitting.pdf

Alternatively, you can call our Agricultural Waste helpline on 0845 603 3113 who will be happy to send you a copy. The Standard Permits which replace higher risk previously exempt activities will be also published on our website at:

www.environment-agency.gov.uk/epr

along with the application form and all associated guidance.

agricultural waste helpline

0845 603 3113

incident hotline

0800 80 70 60

floodline

0845 988 1188

www.environment-agency.gov.uk/agriculturalwaste

How does the new landspreading standard permit work?

The new landspreading permit is a “mobile plant permit”. This means that an organisation holds a permit which is not associated to any particular place. Once they have obtained their permit, every time the organisation wants to spread waste at a specific location, they need to submit an application form. This needs to show how the spreading will lead to agricultural improvement or ecological benefit. This process is called “making a deployment”. The deployment notification form and process is very similar to those used for the current Paragraph 7 Exemption.

Most farmers who import waste and spread it on their land do so through landspreading contractors. We expect that these companies will apply for permits, and then send in deployment notifications whenever they intend to spread waste at a specific farm. If you are carrying out this activity on your farm, you should contact the company you obtain the waste from and find out what they intend to do. Remember, if you hold a Paragraph 7 exemption for this activity on 5th April 2010, you don't need to move into the new system until 1st April 2012.

Further information

Agricultural Waste

www.environment-agency.gov.uk/agriculturalwaste

Environmental Permitting

www.environment-agency.gov.uk/epr

Agricultural Waste Helpline

0845 603 3113