

regulatory position statement

The deposit and dewatering of non-hazardous silts from Sustainable Drainage Systems (SUDS) on land

If you comply with the requirements set out below, we will allow the deposit and dewatering of non-hazardous silt from Sustainable Drainage Systems on land which is as close as possible to the point where the waste was produced.

Background

Sustainable drainage systems (SUDS) are sustainable drainage measures which avoid adding to flood risks both at a development site and elsewhere in the catchment. Regular maintenance of SUDS, including removal of silt that gathers in them, is required to ensure long term performance of the system. The deposit of these silts on land adjacent to where they are produced requires an environmental permit. There is an exemption¹ available for the deposit of dredgings from inland waters but SUDS are not inland waters so do not benefit from an exemption.

Our position

We will not pursue an application for an environmental permit where:

- the total quantity of waste silts deposited or treated over any 12 month period does not exceed 5 cubic metres per hectare of development served by the SUDS;
- any silts are analysed in accordance with the requirements in the table below to establish whether they are hazardous², and where this is the case they are taken to a suitably permitted facility;

<i>SUDS Type</i>	<i>Analysis required</i>
Collecting from roofs only	No
Collecting from residential roads, parking areas and commercial zones	No
Collecting from refuse collection, industrial areas, loading bays, lorry parks and highways	Yes

¹ The Environmental Permitting (England and Wales) Regulations 2007

² 'Hazardous' has the meaning given by regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005 in England and regulation 6 of the Hazardous Waste (Wales) Regulations 2005 in Wales

- the waste is deposited at the closest possible point to where the waste was produced on –
 - (i) the bank of the SUDS from which the waste was produced. This means land outside the design profile of the SUDS, i.e. outside the area designed to accommodate storage and which contributes to the functioning of the SUDS, or
 - (ii) such width of land adjoining the SUDS so as to enable the waste to be removed and deposited by mechanical means in one operation;
- if necessary, the waste silts should be de-watered, placed, spread and overseeded to avoid silt being carried off during heavy rain and to avoid loss of storage capacity in the SUDS feature;
- you meet the relevant objectives of the Waste Framework Directive;
 - '... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of special interest.'

Enforcement

In not pursuing an application for a permit, this means we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please refer to our **Enforcement and Sanctions Statement**. This document can be found on the 'How we regulate you' page in the Business & Industry section of our website.

This regulatory position will be reviewed by 31 March 2013

MWRP RPS 055
Version: 2.0
Issued: March 2011

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