

Use of small quantities of road planings on agricultural tracks and roads

If you comply with the requirements below we will allow the use of road planings to construct and maintain tracks and roads on agricultural premises without an environmental permit.

Background

We have previously provided a regulatory position to allow small quantities of road planings to be used for the construction and maintenance of tracks and roads without registering a paragraph 19 exemption and paying a registration charge. We required the operator to notify us before making use of this regulatory position.

The revisions to the waste exemptions regime which came into force in April 2010¹ replace paragraph 19 with a new exemption U1 (Use of waste in construction). This means that operators are now able to register a U1 exemption without charge and can continue to use road planings for constructing and maintaining tracks and roads.

The changes to agricultural exemptions do not take effect until October 2013. However many farmers have previously relied upon our road planings regulatory position and we do not believe they should have to register earlier simply to continue using road planings.

Environment Agency approach

We will not require existing operators wishing to store and use small quantities of non-hazardous road planings on agricultural premises to register a U1 exemption provided that:

- the total quantity of road planings stored and used does not exceed 150 tonnes per year;
- the road planings are used for the construction and maintenance of agricultural tracks and roads;
- you meet the relevant objectives of the Waste Framework Directive; '... ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without –
 - (i) risk to water, air, soil, plants or animals; or
 - (ii) causing nuisance through noise or odours; or
 - (iii) adversely affecting the countryside or places of special interest.'

¹ Environmental Permitting (England and Wales) Regulations 2010

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. We will, however, continue to enforce the controls on hazardous waste. For a more detailed explanation of this enforcement position, please refer to the public interest factors in *Guidance for the Enforcement and Prosecution Policy*. This can be found on the 'How we regulate you' page in the Business & Industry section of our web site.

This regulatory position will be reviewed before 30 September 2013.

Further advice

Further advice on dealing with waste can be found on the Environment Agency website at: <http://www.environment-agency.gov.uk/waste/>

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