

## Demolition waste left in situ

**If you comply with the requirements below, we will allow the foundations of demolished large structures to be left in situ without the need for an environmental permit, where it is determined that they are waste.**

### Background

The demolition and subsequent removal of above ground structures may result in below ground foundations being left in place. When these foundations are classified as waste, leaving in situ is a waste disposal operation which would normally require an environmental permit.

### Our approach

We will 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 environmental permit in order to leave the waste in situ where:

- the foundations do not contain hazardous materials which could cause pollution to groundwater;
- the foundations are stable and resistant to degradation in the prevailing soil conditions;
- 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.'

### Enforcement

In not pursuing an application for a permit or requiring the removal of the foundations, 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 the Public Interest Factors in our *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.

The exclusion in the revised Waste Framework Directive (the Directive) is in article 2 (1) and says "The following shall be excluded from the scope of this Directive: (b) land (in situ) including unexcavated contaminated soil and buildings permanently connected with land". The Directive will be implemented shortly.

This regulatory position will be reviewed by following the implementation of the Directive.

### **Further advice**

Further advice on dealing with waste can be found on our website at:

<http://www.environment-agency.gov.uk/waste/>

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