

Permitting the permanent deposit of waste on land as a recovery activity

In recent years MJCA has obtained from the Environment Agency authorisations for the permanent deposit of waste on land as a recovery activity for the provision of a range of end uses.

The definition of recovery is provided in the 2008 Waste Framework Directive as:-

'...any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy...'

This is known as the substitution test.

Prior to the implementation of The Environmental Permitting (England and Wales) Regulations 2010 (EPR2010) the permanent deposit of waste on land was authorised under a waste exemption from Environmental Permitting. These exemptions were phased out following the implementation of EPR2010 and replaced by Standard Rules Environmental Permits and bespoke Environmental Permits. In preparing applications for Environmental Permits it is necessary to prepare a waste recovery plan which is the subject of Environment Agency Regulatory Guidance Series Number EPR13 entitled "Defining Waste Recovery: Permanent Deposit of Waste on Land". This guidance is currently being updated by the Environment Agency.

In the last two years MJCA has obtained a number of environmental permits for the deposit of waste on land including permits to replace waste exemptions and new bespoke permits. These include bespoke Environmental Permits for developments such as the construction of a recreational facility, the construction of a golf driving range, the construction of a screening bund and the restoration of a quarry to wetland habitats and Standard Rules Environmental Permits for developments such as the reclamation of land to agriculture at a quarry, the construction of a recreational fishing lake at a quarry, the construction of an agricultural showground at a quarry and the construction of a golf course.