

Standard rules

Chapter 4, The Environmental Permitting
(England and Wales) Regulations 2016



Standard rules SR2010No5 Mobile plant for the reclamation, restoration or improvement of land

Introductory note

This introductory note does not form part of these standard rules.

When referred to in an environmental permit, these standard rules will allow the operator to operate mobile plant. The mobile plant shall be for land treatment activities resulting in benefit to agriculture or ecological improvement on notified land that has been subject to industrial or other man-made development for restoration, reclamation or improvement.

The operator is permitted to use the following technology and associated plant necessary for treatment and associated storage:

- plant for the storage and mixing (not for treatment) of permitted wastes listed in tables 2.2 and 2.3; and
- plant for the spreading of wastes in order to carry out treatment of land to create or improve a soil profile.

The activities shall not be carried out within:

- 10 metres of any watercourse;
- groundwater Source Protection Zone 1; or
- if a Source Protection Zone has not been defined then within 50 metres of any well spring or borehole used for the supply of water for human consumption including from a private water supply or supplies.

The operator shall submit a deployment form to Natural Resources Wales, prior to the activity commencing.

The activities authorised by this permit cannot be carried out on the site where there is a regulated facility regulated by a site based environmental permit if there is inconsistency between the requirements imposed by that site based permit and this permit.

End of Introductory Note

Rules

1 – Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with rule 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of them kept at or near the place where those duties are carried out.
- 1.1.4 The operator shall comply with the requirements of an approved competence scheme.

1.2 Avoidance, recovery and disposal of wastes produced by the activities

- 1.2.1 The operator shall take appropriate measures to ensure that:
- (a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and
 - (b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and
 - (c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.
- 1.2.2 The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

2 – Operations

2.1 Permitted activities

- 2.1.1 The operator is only authorised to carry out the activities specified in table 2.1 below ("the activities").

Table 2.1 Activities	
Description of activities	Limits of activities
R13: Storage of wastes pending the operation numbered R10.	<p>Secure storage of waste listed in tables 2.2 and 2.3, at the place where it is to be used for land treatment.</p> <p>For each deployment no more than 3000 tonnes in total of waste shall be stored at any one time. Of this no more than 1250 tonnes shall be non-stackable waste.</p> <p>No more than 3000 tonnes of waste shall be stored in a location at any one time. Of this no more than 1250 tonnes shall be non-stackable waste.</p> <p>Waste shall be stored for no longer than 12 months.</p>
R10: Land treatment resulting in benefit to agriculture or ecological improvement	<p>The use of mobile plant to treat land that has been subject to industrial or other man-made development where such treatment results in benefit to agriculture or ecological improvement.</p> <p>The use of wastes listed in tables 2.2 and 2.3 for the treatment of land that results in benefit to agriculture or ecological improvement.</p> <p>Wastes listed in table 2.3 shall not be used to treat land that is intended to be brought back into agricultural use.</p> <p>The quantity of waste applied per hectare shall not exceed that in the agreed deployment form and in any case no more than 5000 tonnes of waste shall be spread per hectare.</p>

- 2.1.2 At least 25 working days in advance of starting each land treatment activity Natural Resources Wales shall be notified using the deployment form LPD1. For each deployment the notified proposals shall be limited to:
- (a) no more than 10 waste streams, and
 - (b) no more than 50 hectares.
- 2.1.3 Each notification shall contain an assessment that shows that benefit will be conferred by spreading of the waste. The assessment shall be made by a person with appropriate technical expertise and contain evidence demonstrating the reasons for their opinion.
- 2.1.4 The activities shall not begin at any site until Natural Resources Wales has agreed a deployment form in writing for that particular site.
- 2.1.5 The activities shall only be carried out in accordance with the requirements of the agreed deployment form unless otherwise agreed in writing by Natural Resources Wales.
- 2.1.6 Records demonstrating compliance with rules 2.1.3, 2.1.4 and 2.1.5 shall be maintained.
- 2.1.7 The activities shall not be carried out within:
- (a) 10 metres of any watercourse;
 - (b) Groundwater Source Protection Zone 1; or
 - (c) if a Source Protection Zone has not been defined then within 50 metres of any well spring

or borehole used for the supply of water for human consumption including from a private water supply or supplies.

- 2.1.8 High readily available nitrogen wastes shall only be stored or spread within a groundwater Safeguard Zone for nitrate:
- (a) in periods outside of the NVZ closed periods for spreading organic manure with high readily available nitrogen;
 - (b) at application rates of $\leq 50\text{m}^3/\text{ha}$, with a minimum 3 week gap between applications; and
 - (c) to a maximum application rate of 250 kg total N per any given hectare.

2.2 Waste acceptance

2.2.1 Waste shall only be accepted if:

- (a) it is of a type listed in tables 2.2 and / or 2.3 of these standard rules;
- (b) it conforms to the description in the documentation supplied by the producer and holder; and
- (c) it conforms to the agreed deployment form.

2.2.2 Records demonstrating compliance with rule 2.2.1 shall be maintained.

Table 2.2 Waste types	
Waste Code	Description
03	WASTES FROM WOOD PROCESSING AND THE PRODUCTION OF PANELS AND FURNITURE, PULP, PAPER AND CARDBOARD
03 03	wastes from pulp, paper and cardboard production and processing
03 03 05	de-inking sludges from paper recycling (consisting of de-inked paper sludge and de-inked paper pulp only)
03 03 09	lime mud waste
03 03 10	fibre rejects, fibre-, filler- and coating-sludges from mechanical separation (consisting of fibre rejects and sludges including mineral based fillers and coatings only)
03 03 11	sludges from on-site effluent treatment other than those mentioned in 03 03 10
10	WASTE FROM THERMAL PROCESSES
10 01	wastes from power stations and other combustion plants
10 01 05	calcium-based reaction wastes from flue-gas desulphurisation in solid form (consisting of Flue gas gypsum (solid) only)
10 01 07	calcium-based reaction wastes from flue-gas desulphurisation in sludge form (consisting of Flue gas gypsum (sludge) only)
10 13	wastes from manufacture of cement, lime and plaster and articles and products made from them
10 13 04	wastes from calcinations and hydration of lime
10 13 12*	solid wastes from gas treatment containing hazardous substances (consisting of cement kiln dusts and by-pass dust only)
10 13 13	solid wastes from gas treatment other than those mentioned in 10 13 12 (consisting of cement kiln dusts and by-pass dust only)
10 13 99	wastes not otherwise specified (consisting of gypsum only)
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)
17 05	soils (excluding excavated soils from contaminated sites), stones and dredgings
17 05 04	soil and stones other than those mentioned in 17 05 03 (consisting of topsoil, peat, subsoil and stones only)
17 05 06	dredging spoil other than those mentioned in 17 05 05

19	WASTE FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE
19 02	wastes from physico/chemical treatments of waste (including dechromatation, decyanidation, neutralisation)
19 02 03	premixed wastes composed only of non-hazardous wastes (consisting of cement kiln dust and by-pass dust from cement kilns conditioned with water only)
19 02 04*	premixed wastes composed of at least one hazardous waste (consisting of cement kiln dust and by-pass dust from cement kilns conditioned with water only)
19 05	wastes from aerobic treatment of waste
19 05 03	off-specification compost (consisting of compost from source segregated biodegradable waste only)
19 06	waste from anaerobic treatment of waste
19 06 05	liquor from anaerobic treatment of animal and vegetable waste (consisting of treatment of source segregated biodegradable waste only)
19 06 06	digestate from anaerobic treatment of animal and vegetable waste (consisting of whole digestate and fibre digestate from anaerobic treatment of source segregated biodegradable waste only)
19 09	wastes from the preparation of water intended for human consumption or water for industrial use
19 09 02	sludges from water clarification
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 12	other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11 (consisting of recycled gypsum from plasterboard only)

Table 2.3 Waste types	
Waste Code	Description
19	WASTE FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE
19 05	wastes from the aerobic treatment of waste
19 05 03	off-specification compost (consisting of compost from source segregated biodegradable waste and sludges from treatment of urban waste water only)
19 05 99	wastes not otherwise specified (consisting of compost derived from non-source segregated biodegradable waste only)
19 06	wastes from the anaerobic treatment of waste
19 06 03	liquor from anaerobic treatment of municipal waste (consisting of liquor from anaerobic treatment of non-source segregated biodegradable waste only)
19 06 04	digestate from anaerobic treatment of municipal waste (consisting of whole digestate and fibre digestate from anaerobic treatment of non-source segregated biodegradable waste only)
19 06 06	digestate from anaerobic treatment of animal and vegetable waste (consisting of whole digestate and fibre digestate from anaerobic treatment of source segregated biodegradable waste and sludges from treatment of urban waste water only)
19 08	waste from waste water treatment plants
19 08 02	waste from desanding (consisting of washed sewage grit only)
19 08 05	sludges from treatment of urban waste water
19 12	Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 12	other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11 (consisting of soil substitutes only)
19 13	wastes from soil and groundwater remediation
19 13 04	sludges from soil remediation other than those mentioned in 19 13 03

2.3 Operating techniques

- 2.3.1 The activities shall be operated using the techniques and in the manner described in Table 2.4 below.

Table 2.4 Operating techniques

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| <ol style="list-style-type: none">1. All non-stackable waste shall be stored within a secure container (including lagoons).2. Non-stackable waste shall not be stored within 0.3 metres of the top of an open storage container or within 0.75 metres of the top of a lagoon.3. Field heaps shall occupy as small a surface area as is practically required to support the heap and prevent it from collapsing and must not be located within 30m of surface water if the land is steeply sloping. |
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- 2.3.2 Waste must not be spread on land if:

- (a) the land has been frozen for 12 hours or more in the preceding 24 hours;
- (b) the land is waterlogged, frozen or snow covered.

3 – Emissions and monitoring

3.1 Emissions to air, water or land

- 3.1.1 There shall be no point source emissions to land, except from the sources listed in the agreed deployment form.
- 3.1.2 The limits given in the agreed deployment form shall not be exceeded.

3.2 Emissions of substances not controlled by emission limits

- 3.2.1. Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this rule if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.
- 3.2.2 The operator shall:
- (a) if notified by Natural Resources Wales that the activities are giving rise to pollution, submit to Natural Resources Wales for approval within the period specified, an emissions management plan;
 - (b) implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.
- 3.2.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.
- 3.2.4 High readily available nitrogen wastes shall be covered to prevent, or where that is not practicable, to minimise the loss of ammonia when stored within 200 metres of a European Site, Ramsar Site or a Site of Special Scientific Interest (SSSI).

3.3 Odour

- 3.3.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.
- 3.3.2 (a) maintain and implement an odour management plan;

- (b) if notified by Natural Resources Wales that the activities are giving rise to pollution outside the site due to odour, submit to Natural Resources Wales for approval within the specified period, a revised odour management plan;
- (c) implement any approved revised odour management plan from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.

3.4 Noise and vibration

3.4.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable, to minimise, the noise and vibration.

3.4.2 The operator shall:

- (a) if notified by Natural Resources Wales that the activities are giving rise to pollution outside the site due to noise and vibration, submit to Natural Resources Wales for approval within the period specified, a noise and vibration management plan;
- (b) implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.

4 – Information

4.1 Records

4.1.1 All records required to be made by these standard rules shall:

- (a) be legible;
- (b) be made as soon as reasonably practicable;
- (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible or are capable of retrieval; and
- (d) be retained, unless otherwise agreed by Natural Resources Wales, for at least 6 years from the date when the records were made.

4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by these standard rules, unless otherwise agreed in writing by Natural Resources Wales.

4.2 Reporting

4.2.1 The operator shall send all reports and notifications required by these standard rules to Natural Resources Wales using the contact details supplied in writing by Natural Resources Wales.

4.2.2 Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

4.3 Notifications

4.3.1 Natural Resources Wales shall be notified without delay following the detection of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;

- (b) the breach of a limit specified in these standard rules; or
 - (c) any significant adverse environmental effects.
- 4.3.2 Written confirmation of actual or potential pollution incidents and breaches of emission limits shall be submitted within 24 hours.
- 4.3.3 Where Natural Resources Wales has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform Natural Resources Wales when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to Natural Resources Wales at least 14 days before the date the monitoring is to be undertaken.
- 4.3.4 Natural Resources Wales shall be notified at least 48 hours but no more than 7 days in advance of the intention to commence spreading operations. In the event that spreading operations stop for more than 7 days Natural Resources Wales shall be notified at least 48 hours but no more than 7 days in advance of the intention to recommence spreading.
- 4.3.5 Natural Resources Wales shall be notified within 14 days of the occurrence of the following matters except where such disclosure is prohibited by Stock Exchange rules:
- a) Where the operator is a registered company:
 - any change in the operator's trading name, registered name or registered office address; and
 - any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.
 - b) Where the operator is a corporate body other than a registered company:
 - any change in the operator's name or address; and
 - any steps taken with a view to the dissolution of the operator.
 - c) In any other case:
 - the death of any of the named operators (where the operator consists of more than one named individual);
 - any change in the operator's name(s) or address(es); and
 - any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case them being in a partnership, dissolving the partnership.
- 4.3.6 The operator shall notify Natural Resources Wales at least 7 days prior to commencement of agreed deployment.

4.4 Interpretation

- 4.4.1 In these standard rules the expressions listed below shall have the meaning given.
- 4.4.2 In these standard rules references to reports and notifications mean written reports and notifications, except when reference is being made to notification being made "without delay", in which case it may be provided by telephone.

"accident" means an accident that may result in pollution.

"agricultural land" has the meaning given by section 109 of the Agriculture Act 1947 and includes land for the production of timber and non-food agricultural crops.

"Annex II" means Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

“authorised officer” means any person authorised by Natural Resources Wales under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in Section 108(4) of that Act.

“deployment form” means Natural Resources Wales form (LPD1) that requires site specific information and control measures to be provided and agreed prior to the use of any mobile plant.

“domestic purposes” has the same meaning as in section 218 of the Water Industry Act 1991.

“emissions of substances not controlled by emission limits” means emissions of substances to air, water or land from the activities, either from emission points specified in these standard rules or from other localised or diffuse sources, which are not controlled by an emission limit.

“European Site” means candidate or Special Area of Conservation and proposed or Special Protection Area in England and Wales, within the meaning of Council Directives 79/409/EEC on the conservation of wild birds and 92/43/EEC on the conservation of natural habitats and of wild flora and fauna and the Conservation of Habitats and Species Regulations 2010. Internationally designated Ramsar sites are dealt with in the same way as European sites as a matter of government policy and for the purpose of these rules will be considered as a European Site

“food production purposes” means the manufacturing, processing, preserving or marketing purposes with respect to food or drink for which water supplied to food production premises may be used, and for the purposes of this definition *“food production purposes”* means premises used for the purposes of a business of preparing food or drink for consumption otherwise than on the premises.

“frozen” means when the soil is frozen for more than 12 hours in the previous 24 hours. Days when soil is frozen overnight but thaws out during the day do not count.

“groundwater” means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

“groundwater Safeguard Zone” has the meaning given in the document titled *“Groundwater Protection: Principles and practice”* (GP3) published by the Environment Agency in 2013

“groundwater Source Protection Zone” has the meaning given in the document titled *“Groundwater Protection: Principles and practice”* (GP3) published by the Environment Agency in 2013

“hazardous property” has the meaning in Annex III of the Waste Framework Directive.

“hazardous substance” means a substance classified as hazardous as a consequence of fulfilling the criteria laid down in parts 2 to 5 of Annex I to Regulation (EC) No 1272/2008.

“hazardous waste” has the meaning given in the Hazardous Waste (Wales) Regulations 2005 (as amended).

“high readily available nitrogen wastes” has the meaning given in the Nitrate Pollution Prevention Regulations 2008 (as amended), i.e. organic wastes in which more than 30% of the total nitrogen content is available to the crop at the time of spreading

“Natural Resources Wales” means the Natural Resources Body for Wales established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. The Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

“NVZ closed periods” has the meaning given in the Nitrates Pollution Prevention Regulations 2015

“pollution” means emissions as a result of human activity which may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or

(d) impair or interfere with amenities and other legitimate uses of the environment.

"*quarter*" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

"*R*" means a recovery operation provided for in Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

"*secure storage*" means storage where waste cannot escape and members of the public do not have access to it

"*site*" means the place where mobile plant is deployed as detailed in the agreed deployment form(s).

"*stackable*" means a material which is solid enough to be stacked in a free-standing heap without slumping, and which does not give rise to free drainage from within the stacked material. "Non-stackable" shall be interpreted accordingly.

"*steeply sloping*" means land of slope 12 degrees (1 in 5 or 20%) or greater

"*sub-soil*" means soil layer extending between the topsoil and the little weathered parent material below, or material that functions in the same way in a constructed soil profile and on to which topsoil can be spread¹.

"*topsoil*" means top layer of soil, darker in colour and with more organic matter than the layer below (subsoil)

"*treated sludge*" means sludge which has undergone biological, chemical or heat treatment, long-term storage or any other appropriate process so as significantly to reduce its fermentability and the health hazards resulting from its use.

"*Waste code*" means the six digit code referable to a type of waste in accordance with the list of wastes established by Commission Decision 2000/532/EC as amended from time to time (the 'List of Wastes Decision') and in relation to hazardous waste, includes the asterisk.

"*waste stream*" means a single waste, generated from a single site. Single waste streams that have been mixed together shall be individually described and each shall be listed in the tables as separate waste streams.

"*waterlogged*" means when the whole of the plough layer is saturated/filled with water by virtue of a high water table or water collected (perched) above a compacted soil.

"*year*" means calendar year commencing on 1st January.

End of standard rules

¹ BS3882:2015 Specification for topsoil