

U11 – Spreading waste on non-agricultural land to confer benefit

What is the purpose of this exemption?

This exemption allows you to spread a number of different wastes on non-agricultural land for benefit to recover the waste in place of manufactured fertilisers and virgin products.

What types of activities can I do?

Example activities include:

- spreading compost manufactured under [T23 Aerobic composting and associated prior treatment](#) to provide soil conditioning in a communal garden;
- spreading small amounts of ash produced by wood chip boilers under [U4 Burning of waste as a fuel in a small appliance](#).

Where can I carry out this activity?

Waste can be spread under this exemption on non-agricultural land, which could include (but is not restricted to):

- parks, gardens and other amenity areas;
- woodlands, forest, sports ground, cemetery, churchyard, verge or landscaped areas;
- Brownfield and/or derelict land;
- operational land of a railway, water undertaker, internal drainage board, British Waterways or the Environment Agency.

What can't I do?

You can't:

- use this exemption for spreading waste to provide benefit to agricultural land. [See Related exemptions](#)
- use any other wastes other than those listed in the table
- spread waste to land unless the waste provides a benefit as described in [What else do I need to know?](#)
- use this exemption for disposal of waste to land. The wastes must have a benefit.

What are the key limits?

The table further on in this document lists the waste types and quantities that can be spread over a 12-month period.

Over a 12 month period you can spread up to the amount stated in the third column of the table for each specific waste type. This can be split into a number of separate applications, as long as the overall quantity spread does not exceed that specified in the table in any 12-month period.

The fourth column in the table states the amount of that type of waste that can be stored at any one time.

You can store the wastes for up to 12 months prior to spreading.

The exception is wastes consisting of biobed or biofilter material produced under [T32 Treatment of waste in a biobed or biofilter](#). You must store these wastes for at least 12 months prior to spreading.

What are the key conditions?

Waste must be spread for benefit.

Waste must be stored in a [secure location](#) prior to use.

At the time the spreading begins:

- (i) the land must not have been frozen for 12 hours or more in the preceding 24 hours;
- (ii) the land has not been waterlogged, frozen or snow-covered.

All wastes apart from dredging spoil must be stored and spread at least 10 metres from a watercourse and 50 metres from a spring, well or borehole.

Any dredging wastes allowed to be spread under this exemption must be spread adjacent to the place from which the waste was dredged.

You must store any waste consisting of biobed or biofilter material for at least 12 months before spreading. This is to ensure any non-hazardous pesticide residues that remain in the material are fully broken down before the material is spread on land.

The operation must be for the purpose of recovering the waste.

The waste you use must be suitable for purpose.

No more waste should be used than is necessary. The quantity of material spread on the land must be no greater than is reasonable to achieve the desired benefit, otherwise the activity is considered to be disposal.

Record Keeping

You must keep records of the quantity, nature, origin and, where relevant, the destination and treatment method of all waste disposed of or recovered under this exemption. You must retain these records for two years, and make them available to us on request.

However, this does not apply if you are already required to keep records in relation to spreading of waste under the Nitrate Pollution Prevention Regulations 2008(1) or the Nitrate Pollution Prevention (Wales) Regulations 2008(2).

What else do I need to know?

Benefit

Benefit to non-agricultural land includes the physical, chemical and biological improvement of the soil to support growth. It must be for the purpose of providing, maintaining or improving the soil's ability to provide a growing medium, by amending:

- Plant nutrient requirements (for example, nitrogen, phosphorus, potassium, magnesium, sodium).
- Soil chemical properties (for example, liming, pH).
- Soil physical properties (such as organic matter, soil structure).

Benefit should be assessed using the following criteria:

- Maintenance of habitats and their bio-diversity.
- Provision of new habitats.
- Development or restoration of existing habitats to give greater biodiversity and sustainability.
- Development and maintenance of landscaped, amenity and recreation sites.

Meaning of “Pursuant to”

The second column of the [Table of waste types permitted by U11](#) allows certain wastes only if they are produced “pursuant to” a specific exemption.

For example: “*compost produced pursuant to a treatment described in paragraph T23 or T26 only*”.

This means that you cannot register an exemption under U10 to spread compost or digestate produced at sites that are:

- operating under a [paragraph 12 exemption](#) during the transitional phase; or
- operating under a permit which allows them to accept a wider range of wastes than those listed under [T23](#), [T26](#).

You can register a U11 exemption to spread compost produced at a facility operating under an environmental permit provided the conditions of the permit mirror the conditions in T23 and T26.

Further information is available in our position statement on [The meaning of pursuant to in exemptions U10 and U11](#).

Quantity limits

The quantity limits specified in [What are the key limits?](#) relate to the use or storage of waste in one place during a specified period. The limits apply to that place even if more than one person or group uses or stores the waste during that period.

(1) S.I. 2008/2349.

(2) S.I. 2008/3143 (W.278).

What wastes can be used under this exemption?

The wastes codes below are those listed in the List of Wastes (LoW) Regulations. You should read the guidance on the LoW to ensure that the waste type you want to treat fits within the waste code.

In some instances the waste types permitted are more restricted than the LoW code. This is indicated by the word “only” in the waste type description in the table below.

You need to make sure your waste falls within the LoW code and the written description in the table.

Further guidance on this can be found at <http://www.environment-agency.gov.uk/business/topics/waste/32140.aspx>

Codes	Waste types	Quantity limit (over 12 months)	Storage limit (at any one time)
010102, 010408, 170504	Chalk only	50 tonnes per hectare	200 tonnes
020106	Farmyard and horse manure only	50 tonnes per hectare	200 tonnes
020202	Shellfish shells from which the soft tissue or flesh has been removed only	50 tonnes per hectare	200 tonnes
020399, 020401	Soil from cleaning and washing fruit and vegetables only	50 tonnes per hectare	200 tonnes
100101	Ash from wood chip boilers produced pursuant to an operation described in the paragraph numbered U4 in this Chapter only	1 tonne per hectare	10 tonnes
170506	Dredging spoil (other than those mentioned in 170505) generated from the creation or maintenance of habitats, ditches or ponds within parks, gardens, fields and forests only	150 tonnes per hectare	1250 tonnes
020199	Spent compost from the growing of mushrooms only	50 tonnes per hectare	500 tonnes
190599	Compost produced pursuant to a treatment described in the paragraph numbered T23 or T26 of Chapter 2 only	50 tonnes per hectare	500 tonnes
190604	Digestate produced pursuant to a treatment described in the paragraph numbered T24 or T25 of Chapter 2 only	50 tonnes per hectare	200 tonnes

Codes	Waste types	Quantity limit (over 12 months)	Storage limit (at any one time)
190812	Waste consisting of biobed or biofilter material produced pursuant to a treatment described in the paragraph numbered T32 of Chapter 2 only	50 tonnes per hectare	200 tonnes
200108	Coffee grounds only	50 tonnes per hectare	200 tonnes

The full text of the legislation can be found at:

http://www.opsi.gov.uk/si/si2010/draft/ukdsi_9780111491423_en_1

Related exemptions

You can spread waste to agricultural land under [U10 Spreading of waste on agricultural land to confer benefit](#).

You can compost waste under [T23 Anaerobic composting and associated prior treatment](#).

You can produce [digestate](#) under [T24 Anaerobic digestion at premises used for agriculture and burning of resultant biogas](#) and [T25 Anaerobic digestion at premises not used for agriculture and burning of resultant biogas](#).

You can produce a [vermicompost](#) by using a wormery under [T26 Treatment of kitchen waste in a wormery](#).

Related permits

If you want to spread a wider range of wastes or apply more waste than is allowed under this exemption you will need to apply for an environmental permit. Further information can be found at: <http://www.environment-agency.gov.uk/business/topics/permitting/32330.aspx>

Registration of this exemption

You cannot register this exemption until **6 April 2010**. A link to the registration process is available on the following web page:

<http://www.environment-agency.gov.uk/business/topics/permitting/116406.aspx>

Definitions

“digestate” is the final output from the treatment of organic and biodegradable waste either anaerobically or aerobically. The digestate may be whole digestate, separated fibre or separated liquor and can be used in compost as an input material or process additive or spread to land as a soil nutrient and conditioner.

“secure” - a *container, lagoon, location* or other *place* is secure in relation to waste kept in it if:

- (a) all reasonable precautions are taken to ensure that the waste cannot escape from it; and
- (b) members of the public are unable to gain access to the waste.

“vermicompost” (also called ‘worm compost’, vermicast, worm castings, worm humus or worm manure) is the end-product of the breakdown of organic matter by some species of earthworm. Vermicompost is a nutrient-rich, natural fertilizer and soil conditioner.

The full ‘**Glossary of terms**’ can be viewed [here](#)