

Tackling the change from exemptions to permits - A friendly guide

1. General introduction

(If you are interested specifically in composting go to section 2; if you are interested in landspreading, go to section 3)

The new environmental permitting system is to become law on the 6th April 2010. To aid in its understanding and ease transition from an exemption to a permit, AfOR have released some explanatory notes with the appropriate links to the Environment Agency website.

1.1 Exemption limits from the 6th April 2010

There are four categories, **use, treatment, disposal** and **storage**. The disposal, treatment and use operations will include storage as part of their permitted activities. You do not need to register a storage operation separately if you have registered one of these exemptions.

The storage exemptions are for those operations where waste is stored temporarily before being moved to another site for recovery.

There are a small number of storage exemptions which do not have to be registered. These are included with the storage exemptions. To find more details about the storage exemptions, go to:
<http://www.environment-agency.gov.uk/business/topics/permitting/115574.aspx>.

The new exemptions are free of charge and can be registered only after 6th April 2010. A registration lasts for three years.

The exemptions which apply to composting, anaerobic digestion and land spreading of organic wastes are listed below.

Frequently Asked Questions on the new waste exemptions can be found at:
<http://www.environment-agency.gov.uk/business/topics/permitting/32322.aspx>.

1.1.1 Use

U10 – Spreading waste on agricultural land to confer benefit, for full details of this exemption, click on the following link: [http://www.environment-agency.gov.uk/static/documents/Business/U10 Spreading waste on agricultural land to confer benefit.pdf](http://www.environment-agency.gov.uk/static/documents/Business/U10_Spreading_waste_on_agricultural_land_to_confer_benefit.pdf)

U11 – Spreading waste on non-agricultural land to confer benefit, for further details on this exemption, click on the following link: [http://www.environment-agency.gov.uk/static/documents/Business/U11 Spreading waste on non-agricultural land to confer benefit.pdf](http://www.environment-agency.gov.uk/static/documents/Business/U11_Spreading_waste_on_non-agricultural_land_to_confer_benefit.pdf)

U12 - Use of mulch, for further details on this exemption, click on the following link: [http://www.environment-agency.gov.uk/static/documents/Business/U12 Use of mulch.pdf](http://www.environment-agency.gov.uk/static/documents/Business/U12_Use_of_mulch.pdf)

U13 – Spreading of plant matter to confer benefit, for further details click on the following link: [http://www.environment-agency.gov.uk/static/documents/Business/U13 Spreading of plant matter to confer benefit.pdf](http://www.environment-agency.gov.uk/static/documents/Business/U13_Spreading_of_plant_matter_to_confer_benefit.pdf)

1.1.2 Treatment

T6 – Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising, for further details on this exemption click on the following link: [http://www.environment-agency.gov.uk/static/documents/Business/T6 exemption.pdf](http://www.environment-agency.gov.uk/static/documents/Business/T6_exemption.pdf).

T22 – Treatment of animal by-product waste at a collection centre, for further details click on the following link: <http://www.environment-agency.gov.uk/business/topics/permitting/116271.aspx>. This exemption must be registered with Animal Health

T23 – Aerobic composting and associated prior treatment, for further details of this exemption, please click on the following link: [http://www.environment-agency.gov.uk/static/documents/Business/T23 exemption.pdf](http://www.environment-agency.gov.uk/static/documents/Business/T23_exemption.pdf).

T24 – Anaerobic digestion at premises used for agriculture and burning of resultant biogas, for further details on this exemption, click on the following link: [http://www.environment-agency.gov.uk/static/documents/Business/T24 exemption.pdf](http://www.environment-agency.gov.uk/static/documents/Business/T24_exemption.pdf).

T25 - Anaerobic digestion at premises not used for agriculture and burning of resultant biogas, for further details on this exemption, click on the following link: [http://www.environment-agency.gov.uk/static/documents/Business/T25 exemption.pdf](http://www.environment-agency.gov.uk/static/documents/Business/T25_exemption.pdf).

T26 – Treatment of kitchen waste in a wormery, for further details on this exemption, click on the following link: [http://www.environment-agency.gov.uk/static/documents/Business/T26 exemption.pdf](http://www.environment-agency.gov.uk/static/documents/Business/T26_exemption.pdf).

1.2 Change to Permits

If you are unable to comply with the conditions set down in the above exemptions due to the fact that you are unable to comply with the limit levels or the specific waste types that are being processed / applied, then you will need to apply for either a Standard Permit or a bespoke Permit.

1.2.1 Standard Permits

Standard permits are a set of environmental control and location rules that the EA have developed, and are made up of one or more sets of standard rules.

The rules comprise location requirements to keep the activities away from sensitive receptors, specific emission controls and basic requirements set in all permits. These ensure your operation does not cause pollution or nuisance. Standardisation and publishing them makes them easier to apply for, quicker to process and therefore usually cheaper than bespoke permits.

For further details on the standard permits, click here: <http://www.environment-agency.gov.uk/business/topics/permitting/32334.aspx>.

1.2.2 Bespoke permits

Bespoke permits are needed for unusual or higher risk activities such as those using complex processes, novel technologies or that process high volumes of waste. They are written specifically for your activity, take longer to process than standard permits and therefore tend to be more expensive.

Bespoke permits are written specifically for your facility and contain conditions relevant to your operation. Your bespoke permit can include more than one installation or waste facility. It can also include one or more standard rules set.

All applicants must fill in Part A and Part F of the application form these can be found at;

Part A: http://www.environment-agency.gov.uk/static/documents/Business/EPAv03Mar09_eform_LCfinal.pdf

Part F: http://www.environment-agency.gov.uk/static/documents/Business/EPFyv03Mar09_paper_final.pdf

Applicants must also fill in **Part B**, click on the following link for this form;

http://www.environment-agency.gov.uk/static/documents/Business/EPBv04Jul09_eform_LCfinal.pdf

In addition further guidance is available on '**How to get your application right first time**', from; http://www.environment-agency.gov.uk/static/documents/Business/EPR_apphintsandtips_060709.pdf

All the above forms come with guidance notes.

Completed application forms should be posted to:

*Permitting Support Centre
Environmental Permitting Team
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF*

For a **Glossary of terms** which relate to the above, click here; http://www.environment-agency.gov.uk/static/documents/Business/Glossary_of_terms_-_waste_exemptions.pdf

2. Composting operation

2.1 If in the past you have been composting under the old Paragraph 12 exemption, and you are either:

- treating or storing less than **60 tonnes** of material at **any one time**, or
- treating or storing less than **80 tonnes** of material at **any one time**, the waste being composted is produced at the place where the composting operation is carried out and the resulting compost is used at the place where the operation is carried out,

then, after **6th April 2010**, you can register under the new exemption T23 for aerobic composting and associated prior treatment.

2.2 If in the past you have been composting under the old Paragraph 12 exemption, and you are either:

- treating or storing more than **80 tonnes** of material at **any one time**, or
- treating or storing more than **60 tonnes** of material at **any one time**, the waste being composted is imported to the place where the composting operation is carried out, or the resulting compost is NOT used at the place where the operation is carried out.

then you will need to move to a Standard or Bespoke Permit.

Information about the standard permits for composting can be found here: <http://www.environment-agency.gov.uk/business/topics/permitting/117226.aspx>.

2.2.1 If you treat or store within **500 tonnes** of biodegradable material **at any one time** (approximately equivalent to 1,000 m³ at any one time), and the activities are not within:

- 500 metres of a European Site, Ramsar site or a Site of Special Scientific Interest (SSSI);
- 250 metres away from any dwelling or workplace;
- 10 metres of a watercourse;
- 50 metres of any spring or well, or of any borehole not used to supply water for domestic or food production purposes, and
- 250 metres of any borehole used to supply water for domestic or food production.

Then you can apply for Standard Permit SR2010 No14 for Composting biodegradable waste in open or contained systems, depending on the waste types treated. Click on the following link for details:

http://www.environment-agency.gov.uk/static/documents/Business/SR2010No14_Composting_biodegradable_waste.pdf

Costs of Standard Permit SR2010 No. 14 Composting biodegradable waste			
Application fee	Renewal / Subsistence fee (annual)	Surrender fee	Transfer fee
£ 1,590	£ 760	£ 1,500	£ 950

Key differences from this Standard Permit and the old Paragraph 12 exemption are:

- The new permit is NOT free of charge
- It is a site-based permits, thus it is linked to specific locations and therefore planning consent must be in place before the Environment Agency can issue a permit
- When located within groundwater Source Protection Zones 1 or 2, the activities should only take place only on an impermeable surface with sealed drained system, while if located outside these zones, hard standing¹ will be sufficient.
- The new standard permit has also a more restricted list of acceptable input wastes to composting that can be accepted.
- It requires technical competence for the operator holding the permit.
- It requires the implementation of a management system that includes for example: implementing appropriate measures for controlling emissions; process control and monitoring and keeping the related monitoring records; and implementing an odour management plan; and
- It requires providing the EA with quarterly returns including information on waste accepted on the site and removed from the site in the previous quarter. Click on the following link to access the form: <http://www.environment-agency.gov.uk/static/documents/Business/WMS1.pdf>.

2.2.2 If you treat **more than 500 tonnes** of biodegradable material **at any one time**, and

- the quantity of waste that can be accepted onto the site is less than 75,000 tonnes per annum
- the storage, physical treatment, composting and maturation of wastes is at least 250 metres away from any residential property or workplace
- the activities are outside groundwater protection zones 1 (inner) or 2 (outer) and more than 250 metres from any water abstraction point
- the only discharges to controlled waters are surface water from the roofs of buildings and from areas of the site not used for the storage or treatment of wastes
- the activities are not carried out within 1 kilometre of a European site, Ramsar site or Site of Special Scientific Interest (SSSI).

Then you can apply for one of the following permits:

¹ Hardstanding is defined as a compacted solid surface capable of withstanding the operation and the loading / unloading of wastes.

Composting in open air windrows

SR2008no16_5kte-composting in open windrows, click on the following link for the guidance:

[http://www.environment-agency.gov.uk/static/documents/Business/SR2008No16_5kte\(2\).pdf](http://www.environment-agency.gov.uk/static/documents/Business/SR2008No16_5kte(2).pdf)

SR2008no16_25kte-composting in open windrows, click on the following link for the guidance:

http://www.environment-agency.gov.uk/static/documents/Business/SR2008No16_25kte.pdf

SR2008no16_75kte-composting in open windrows, click on the following link for the guidance:

http://www.environment-agency.gov.uk/static/documents/Business/SR2008No16_75kte.pdf

Composting in closed vessels

SR2008no17_5kte-composting in closed vessels, click on the following link for the guidance:

http://www.environment-agency.gov.uk/static/documents/Business/SR2008No17_5kte.pdf

SR2008no17_25kte-composting in closed vessels, click on the following link for the guidance:

http://www.environment-agency.gov.uk/static/documents/Business/SR2008No17_25kte.pdf

SR2008no17_75kte-composting in closed vessels, click on the following link for the guidance:

http://www.environment-agency.gov.uk/static/documents/Business/SR2008No17_75kte.pdf

However, from the **26th April 2010** the EA will be publishing revised standard rules for the activities above. Information on the proposed changes can be found at: <http://www.environment-agency.gov.uk/research/library/consultations/110788.aspx>.

The proposed charges for the Standard Permits N. 16 and 17 are shown on the table below.

Costs of Standard Permit SR2008 No. 16/17 Composting			
Application fee	Renewal / Subsistence fee (annual)	Surrender fee	Transfer fee
£ 1,590	£ 2,420	£ 3,500	£ 950

3. Landspreading compost and digestate on agricultural and non-agricultural land

If you wish to spread compost or digestate on agricultural land compost, under the new EP regime you will be to do it under the two options listed below.

3.1 If the compost or digestate has been produced pursuant² to a treatment described under exemption T23 (for aerobic composting), T24 or T25 (for anaerobic digestion) or T26 (Treatment of kitchen waste in a wormery), you can register under an exemption U10 (Spreading waste on agricultural land to confer benefit) or U11 (Spreading waste on non agricultural land to confer benefit). U10 and U11 contain specific provisions related for example to a maximum application rate (50 tonnes/hectare) and a maximum storage limits (500 tonnes at any one time). See under section 1 the link to the EA's guidance related to this exemption.

3.2 If the compost or digestate has NOT been produced pursuant to a treatment described under exemption T23 (for aerobic composting), T24 or T25 (for anaerobic digestion) or T26 (Treatment of kitchen waste in a wormery), then you will have to apply for Standard Permit SR2010 No4.

SR2010no 4 mobile plant for landspreading, click on the following link for guidance, http://www.environment-agency.gov.uk/static/documents/Business/SR2010No4_Mobile_plant_for_Landspreading.pdf

Costs of Standard Permit SR2010 No. 4 Mobile plant for landspreading		
Application fee (one off per operator)	Deployment fee	Transfer fee
£ 700	<p>£ 400 – Lower risk deployment (e.g if plant-derived compost is spread outside 500 m of a European site and/or SSSI; and/or outside SPZ 2)</p> <p>£ 760 – Medium risk deployment (e.g if plant-derived compost is spread within 500m of a European site and/or SSSI; and/or within SPZ 2). OR if food-derived compost, digestate, fresh or shredded green waste from municipal sources are spread outside 500 m of a European site and/or SSSI; and/or outside SPZ 2)</p> <p>£ 970 – Higher risk deployment - (e.g. if food-derived compost, digestate, fresh or shredded green waste from municipal sources are spread within 500 m of a European site and/or SSSI; and/or within SPZ 2)</p>	£ 700

² Please note that the Environment Agency has clarified the definition of 'pursuant' in a regulatory position statement that can be found at <http://www.environment-agency.gov.uk/research/library/position/34157.aspx> under section 'Exempt activities'.

Key provisions within the permit are:

- The quantity of waste applied per hectare shall not exceed that in the agreed deployment form and in any case no more than 250 tonnes per hectare of waste shall be spread on the land in any period of 12 months.
- No more than 3,000 tonnes of waste shall be stored at any one time
- Waste shall be stored for no longer than 12 months
- The activity must not be carried out within 50m from any spring or well or any borehole used to supply water for domestic or food production purposes.

4. Anaerobic digestion

4.1 New exemptions

4.1.1 From 6 April 2010 a new exemption for anaerobic digestion at premises used for agriculture and burning of resultant biogas is available. This is **exemption T24**, which covers anaerobic digestion at **agricultural premises and the burning of the resulting biogas** (for example, setting up an anaerobic digester on the farm and using the gas to heat buildings, generate power for the farm or for export to the national grid). In other words, this exemption allows farmers to anaerobically digest manures, slurries and vegetation on their farms to produce digestate that can be used as a fertiliser or soil conditioner.

4.1.2 Under this exemption the maximum quantity of waste that can be stored and treated at any one time is **1,250 cubic metres** (note that this quantity excludes on-farm manure and slurry pits, but includes manures and slurries imported from other farms and plant tissue waste). The biogas burner/s on the AD plant must have a net rated thermal input or a combined net rated thermal input of less than **0.4 MW**. The waste must remain in the AD plant for a minimum of **28 day**.

4.1.3 Under the old exemption system, small anaerobic digestion operations used to register under a paragraph 12 exemption.

4.1.4 Full details and guidance on this exemption can be found at: http://www.environment-agency.gov.uk/static/documents/Business/T24_Anaerobic_digestion_ag.pdf.

4.1.5 There is also a new exemption (**T25**) which covers anaerobic digestion at **non agricultural premises and the burning of the resulting biogas**. As well as plant tissue waste and horse and farmyard manures, input materials such as paper and cardboard, biodegradable kitchen and canteen waste, animal tissue wastes and others are allowed to be anaerobically digested under this exemption. However the maximum quantity allowed that can be stored and treated at one time is only **50 cubic metres**. With regard to the retention time and the net rated thermal input for the appliance, the same conditions as per T24 apply to this exemption. No specific guidance on this exemption is available at the time of writing.

4.2 Standard permits

4.2.1 Anaerobic digestion facility including use of the resultant biogas (SR2010 No15)

This standard permit allows operating an anaerobic digestion of wastes and also to use the biogas, in compression and spark ignition engines, with an aggregate rated thermal input of up to **3 MW**. The total quantity of waste that can be accepted at any site under these rules must not exceed **75,000 tonnes per year**. The maximum throughput of animal wastes shall be <10 tonnes per day

This standard permit can be applied for only if the following rules can be complied with. The activities shall not be within:

- 500 metres of a European Site, Ramsar site or a Site of Special Scientific Interest (SSSI);
- a specified Air Quality Management Area (AQMA);
- 250 metres away from any dwelling or workplace;
- 10 metres of a watercourse;
- 50 metres of any spring or well, or of any borehole not used to supply water for domestic or food production purposes;
- 250 metres of any borehole used to supply water for domestic or food production;
- a groundwater source protection zone 1.

Further details on this permit can be found at <http://www.environment-agency.gov.uk/business/topics/permitting/117255.aspx> and [http://www.environment-agency.gov.uk/static/documents/Business/SR2010No15 Anaerobic digestion facility including use of the resultant biogas.pdf](http://www.environment-agency.gov.uk/static/documents/Business/SR2010No15_Anaerobic_digestion_facility_including_use_of_the_resultant_biogas.pdf).

Costs of Standard Permit SR2010 No15			
Application fee	Renewal / Subsistence fee (annual)	Surrender fee	Transfer fee
£ 1,590	£ 2,420	£ 1,500	£ 950

4.2.2 On-farm anaerobic digestion facility including use of the resultant biogas (SR2010 No16)

These rules are limited to premises used for agriculture, thus the range of waste types that are allowed is much more limited than under the standard rules above. The remaining provisions are very similar to those listed for SR2010 No 15. More detail can be found at: [http://www.environment-agency.gov.uk/static/documents/Business/SR2010No16 On-farm anaerobic digestion facility including use of the resultant biogas.pdf](http://www.environment-agency.gov.uk/static/documents/Business/SR2010No16_On-farm_anaerobic_digestion_facility_including_use_of_the_resultant_biogas.pdf)

Costs of Standard Permit SR2010 No16			
Application fee	Renewal / Subsistence fee (annual)	Surrender fee	Transfer fee
£ 1,590	£ 1,540	£ 3,500	£ 950

4.2.3 Storage of digestate from anaerobic digestion plants (SR2010 No17)

This set of rules allow the anaerobic digestion operator to temporarily store up to **75,000 cubic metres of waste digestate** from anaerobic treatment plants, away from the treatment facility and the maximum quantity of waste accepted shall not exceed 75,000 tonnes per year. Waste digestate shall only within covered containers or covered lagoons which shall be of a design and capacity fit for purpose and lagoons shall have a free board of 750 mm.

Further detail can be found at: http://www.environment-agency.gov.uk/static/documents/Business/SR2010No17_Storage_of_digestate_from_an_aerobic_digestion_plants.pdf

Costs of Standard Permit SR2010 No17			
Application fee	Renewal / Subsistence fee (annual)	Surrender fee	Transfer fee
£ 1,590	£ 760	£ 1,500	£ 950

Other useful links:

http://www.environment-agency.gov.uk/static/documents/Business/AD_and_Environmental_Permitting.pdf, for

http://www.environment-agency.gov.uk/static/documents/AD_of_Agr_MS_v2_-_Final.pdf

http://www.environment-agency.gov.uk/static/documents/Business/Changes_to_the_exemption_system_Final.pdf

5. Transitional provisions

5.1 Composting

If you are currently registered under a paragraph 12 exemption, you have time up to **1st October 2011** to either register under the new exemption T23 or to apply for the most appropriate permit amongst those described in section 2 above.

5.2 Landspreading

If you are currently registered under a paragraph 7 exemption, you have time up to **1st October 2012** to either register under the new exemptions U10/U11 or to apply for Standard Permit 2010 No.4.

5.3 Anaerobic digestion

If you are currently registered under a paragraph 12 exemption, you have time up to **1st October 2011** to either register under the new exemption T24 or T25 or to apply for the most appropriate permit amongst those described in section 2 above

All transitional provisions can be found at: http://www.environment-agency.gov.uk/static/documents/Business/Table_of_transitional_provisions_-_only.pdf.