

Cumbria Flood Factsheet

3. Post flood clean-up guidance

Information for flood affected farms in Cumbria - Monday 25 January
Brought to you by all public sector organisations in Cumbria

This guidance has been produced to identify some of the regulatory controls that apply to certain activities taking place in the clean up after the November 2009 floods in Cumbria.

1. Clean wood & plant waste

Clean wood waste can be burnt under a waste exemption (paragraph 30) which allows the burning of waste wood, bark and plant tissue in the open, provided it does not cause pollution or a nuisance. Plant tissue waste is intended as a very broad description of all materials of plant origin such as wood and vegetation and may include engineered materials of this type. The exemption does not allow any other waste type to be burned in the open, and limits the quantities burnt to 10 tonnes in 24 hours. Many agricultural sites may have already registered this exemption, but if not they can do so via the Environment Agency Agricultural Helpline on 0845 603 3113. For non-agricultural premises they can register on 08708 506506. Registration is free and burning can take place immediately after telephone registration. An individual acting in a personal capacity does not need to register an exemption. For more information on paragraph 30 exemption see link below.

<http://www.environment-agency.gov.uk/business/topics/permitting/34827.aspx>

2. Litter

Ideally, work teams collecting litter would try to segregate recyclable items such as plastic, cans and glass. However this may not always be practical and bags of mixed waste will be generated for disposal at landfill. Bags should be brought to a central location (at a farmyard or other premises) for temporary storage prior to collection. Contact your local authority to arrange for the pick up of bags letting them know if they contain mixed waste, segregated recyclables or both. If you are in Allerdale ring 01900 702800 or South Lakeland ring 0845 050 4434.

3. Bulky items

Larger items that cannot go in bags should be gathered into heaps in locations which are accessible for collection or placed in skips. These may include bits of broken fences, gates, tree stumps too big to burn, furniture, white goods etc. In some circumstances your local authority may be able to arrange for these bulky items to be collected but there may be a charge.

Commercial waste contractors will also provide a removal service but a charge will be levied. In some cases the cost of removal may be borne by insurance companies.

4. Duty of Care

If you have waste you have a legal Duty of Care. The Duty of Care applies to everyone involved in handling the waste from the person who produces it to the person who finally disposes of or recovers it. Duty of Care is one of the main ways to combat flytipping.

Before your waste is collected you must ensure that it is kept secure so it does not leak or blow away. When you give your waste to someone else (such as a waste contractor) it is your duty to make sure that you:

- Check the person can take it — ask them to produce evidence that they are authorised to carry waste. If they can not do this do not give them your waste.
- Ensure the waste goes to a proper site — licensed or exempt.

- Give the person a transfer note — this must include a description of the waste and be signed by both parties. Keep copies of your transfer notes for a minimum of two years. Plastic sacks of litter and other wastes collected by the Local Authority as part of the flood clean up will not require transfer notes.
- Individuals and charities do not need to be registered waste carriers to transport waste but commercial waste removers must be registered.
- Carriers of agricultural waste only are not required to be registered waste carriers. Farmers transporting flood debris from their own land to a transfer or disposal point are not required to be registered waste carriers although a transfer note describing the waste should be provided on transfer to another party.
- See link below to Environment Agency website for guidance on waste carriers.
<http://www.environment-agency.gov.uk/business/sectors/wastecarriers.aspx>

5. Clean stone and gravel

In view of the huge quantity of stone and river gravel displaced by the flooding within the affected catchments, the Environment Agency has adopted the following position for these materials:

- If you intend to use the stone and gravel on your land without any further processing or treatment then it is not regarded as waste.
- If you do not intend to use the stone and gravel on your land and want to move it off your land then it is regarded as waste. However, if this stone or gravel is transferred to somebody who has a genuine intention of putting it to direct use without further processing or treatment then it may cease to be waste. In these instances the Environment Agency expects you to be aware of the intended destination and use of the stone and gravel and that there has been a suitability assessment for this intended use. This principle would apply to use of stone or gravel within the same catchment.
- Where clean stone and gravel are not viewed as a waste product waste transfer notes and Duty of Care legislation will not apply.
- Where materials are discarded or require treatment (such as crushing or screening) then the Environment Agency views that these materials are waste products and the usual Duty of Care requirements will apply, including the use of transfer notes, registered waste carriers and exemptions or permits for the subsequent treatment or disposal.
- This position will be reviewed in March 2010

For further advice or queries on this guidance please ring the Environment Agency on 01768 215719.