



# FREQUENTLY ASKED QUESTIONS



## Exemption Registration for Agricultural Waste Frequently Asked Questions

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## 1. Further Information

[www.ehsni.gov.uk](http://www.ehsni.gov.uk)  
(028) 9054 6477

## **Agricultural Premises**

### 2. What is agricultural waste?

Agricultural waste is waste produced at agricultural premises as a result of an agricultural activity.

### 3. What are agricultural premises?

Agricultural premises are farms used for an activity defined as agricultural in the Agriculture Act 1947. This includes land used for: horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, grazing land, meadow land, osier land (growing willow), market gardens and nursery grounds. It also includes woodlands where that use is ancillary to the use of land for other agricultural purposes. This definition includes all arable farming. Riding stables, equine centres kennels and animal parks are not classed as agricultural premises and, therefore, do not produce agricultural wastes. Farms for ornamental fish are not agricultural premises.

Whether or not you have to register several farms or one farm depends entirely on how you set up your business operation. It is your decision what premises you register. The following may help you make this decision.

If you have several agricultural premises forming part of your business, that operate from different addresses as separate units then each unit will need to register the activities taking place on a separate form.

For example, if you have three farms (Manor farm, Home farm and East Farm) in three distinct areas and each have separate management and correspondence, then we would describe this as three agricultural premises and three forms will be required.

However, we consider that single agricultural premises are: "A parcel or parcels of land used for agriculture where all day to day agricultural activities are managed as a single operating unit from one address". You will only need to fill in one form to cover the activities carried out at your single agricultural premises, which will include all buildings and locations across your premises, if they are run as one unit.

For example, if you have three farm yards (Manor farm, low yard and high yard) but all business correspondence is addressed to one location - Manor farm. We would call this one agricultural premises and any activities you register, on one form, will apply to all three yards and associated fields.

Your agricultural premises will be called "your farm" within the form but may be called premises, farm, site, place of production or holding in the wording of the exemptions.

### 4. Is there a single business identifier?

We will not be asking for farm SBI or holding numbers in the registration form. We will ask you for your details such as your company registration (if applicable) and the details for each separate premises (see question on what is an agricultural premises above) that you control, where you wish to carry out an exempt activity. We will ask you to confirm that you are either the occupier of the land, have the consent of the occupier to carry out the activity or are otherwise entitled to carry out the activity. Each registration will be given a reference number.

## **The Registration Process**

### 5. Do I produce waste?

As businesses and householders we all produce waste. We produce waste when we discard something, intend to discard it or are required to discard it, for example because the law tells us to. Some terms used for things that may be wastes are: residue, left over, surplus and off-specification.

### 6. My waste has a value – does that change whether it is a waste or not?

Even if you can use the waste in some way or it has a value to another person it can still be classed as a waste. For example, scrap metal has a value to the scrap metal dealer but it is a waste.

### 7. Why do we have exemptions and why do I need one?

Usually any waste treatment, recovery or disposal activity needs to have a waste management licence. In some cases lower risk, small scale and less polluting activities may be exempt from licensing. These activities are known as exemptions. Under the new rules agricultural waste now has to be dealt with in the same way as waste from other businesses. Most of you will need to register one or more exempt activities. If there is no relevant exemption to cover your waste activity you may have to apply for a Waste Management Licence.

There are 47 different exemptions. Some of these relate to specific industries/businesses, and others can apply to all industries/businesses. There are about 26 exemptions that can apply to farming and agriculture, those listed below are the most common, however you may need others.

Exemption 40	Storing non-liquid waste <b>not</b> at the place of production
Exemption 41	Storing waste at the place of production
Exemption 16	Beneficial use of waste
Exemption 21	Chipping, shredding, cutting or pulverising waste plant matter
Exemption 25	Spreading of dredging and plant material cleared from inland waterways
Exemption 27	Baling, compacting, shredding, pulverising waste at the place of production
Exemption 30	Burning waste plant tissue in the open
Exemption 47A	Spreading diluted milk on land for agricultural benefit
Exemption 47B	Deposit of plant tissue at the place of production

Please see the guidance accompanying the form for the full list.

#### 8. How long do I have to register my exemptions?

The regulations give you 12 months to register any activities that are exempt and that you have been carrying out at your farm.

#### 9. What am I signing up for?

By registering your activities as being exempt you are agreeing that you are carrying out the activity:

- within the rules and limitations of the exemption
- in a way that will not cause pollution of the environment or harm to human health
- will not adversely affect the countryside or places of special interest e.g. ASSI, CSAC, SAC, SPA, RAMSAR or AONB (cross reference to point 16)

If you do not comply with the rules or limitations of the activity or the relevant objectives, which apply to all exemptions, your activity will not be exempt and you may be committing an offence.

#### 10. What are the rules and limitations of the exemptions?

Each activity that qualifies as exempt does so as long as it is carried out within certain guidelines. These may limit the quantity or types of waste as well as other parameters. These rules and limitations are summarised in the guidance accompanying the form and can be found in full in the Waste Management Licensing Regulations (Northern Ireland) 2003.

#### 11. What are the relevant objectives?

Under the legislation the relevant objectives in relation to the disposal or recovery of waste are to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment. In particular without—

- (i) risk to water, air, soil, plants or animals; or
- (ii) causing nuisance through noise or odours; or
- (iii) adversely affecting the countryside or places of special interest

The relevant objectives apply to all exemptions and must be complied with, along with rules specific to the activity, for it to be exempt.

#### 12. What is the relevant legislation?

The main relevant pieces of legislation are:

- The Waste Management Licensing Regulations (Northern Ireland) 2003
- The Waste and Contaminated Land (Northern Ireland) Order 1997

Copies of the above legislation can be obtained from Her Majesty's Stationery Office (HMSO) or online at [www.netregs.gov.uk](http://www.netregs.gov.uk)

#### 13. Will other legislation apply?

By registering an exemption with the Environment & Heritage Service you are telling us that you are carrying out an activity that you believe is exempt from requiring a waste management licence. This does not remove the requirement to comply with other legislation relevant to the activity, for example obtaining planning permission or not causing a statutory nuisance.

#### 14. If I register an exemption do I need Planning Permission?

An exemption does not exempt you from planning control. Contact Planning Service for advice on the need for planning permission.

#### 15. Do I get a receipt of registration?

We will write to you to confirm the exemptions you have registered. If we are unable to register you we will tell you why.

#### 16. Is it a one-off registration and does the exemption expire?

##### Simple Exemptions -

For most exemptions, registration is a one-off and free. Your registration remains active as long as you are carrying out the activity at the location specified. Exemptions are registered by the person carrying out the activity, at a set location, for as long as the activity is taking place.

##### Complex Exemptions -

Some exemptions that deal with higher-risk activities (landspreading of waste, land reclamation and construction wastes) you will have to re-notify annually.

If you stop the activity you can remove the exemption from the register at any time. We may remove the exemption from the register, following an inspection,

if you are not complying with the rules that apply. We are obliged to remove an exemption from the register if you are not carrying out the activity.

**Before you start new exempt activities you will need to register them.**

#### 17. Why can't I just tick all of the exemptions?

We have a legal duty to inspect activities that are registered as exempt. We target our inspections using information about the environment and the operator. Farmers in a high-risk area with lots of registrations are likely to be inspected more often. If, on inspection, you are found not to be carrying out the exempt activities we are obliged to remove them from the register. For this reason you should only register the exemptions that you need.

#### 18. So wouldn't I be better off not registering at all?

If you fail to register an exemption for an activity you are carrying out, you will be committing an offence. As we expect that most farmers need to have at least one exemption those that do not register any, may receive an inspection. Remember that the regulations give you 12 months to register any activities that are exempt and that you have been carrying out at your farm.

#### 19. What if the owner or tenant of the farm changes?

If you sell your farm, the new owner will have to register the activities they intend to carry out. If you are a tenant farmer and you move farms you will have to re-register at the new location if you registered in your name. If a landowner applies rather than a tenant, then the registration will be valid whilst they are the landowner and the tenants can change, however the landowner will be responsible for ensuring the conditions of the exemptions are met.

#### 20. If I use a contractor, who has to register? Is a contractor obliged to remove the waste they produce?

As long as the person registering the exemption has the permission of the landowner or occupier anyone can register an exemption. Before a contractor carries out a registerable activity the relevant exemption must be registered by either the farmer or the contractor. Who registers may vary depending on the nature of the contract but should be decided between the two parties. If a contractor registers on behalf of a farmer the farmer is not free of liability. If the waste is produced on an agricultural premises **as a result of agricultural practice** then it will be agricultural waste. Consequently, the waste can be left on the farm, taken away by the contractor, taken to another farm or any other location as long as the receiving site has an appropriate exemption or waste management licence allowing them to accept it.

## Waste Types

#### 21. Can I store my waste and for how long?

There is an exemption to store waste at your premises on a temporary basis for 12 months prior to collection. The exemption for storing your waste at your premises does not require registration but you must comply with the appropriate limits and timescales.

#### 22. What can I do with hedge trimmings?

Hedge Trimmings can be used as a mulch around the base of the hedge they originated from provided they do not cause pollution. The trimmings can be disposed of or recovered elsewhere, either on your farm or off site, but you may need to register an exemption. They can be spread as plant material onto your own land (Exemption 9), they can be composted (Exemption 13), burned (Exemptions 7, 29, or 30), chipped or shredded prior to recovery or reuse (Exemption 21) or sent for disposal or recovery at a licensed or exempt site elsewhere.

#### 23. Can I plough in crop residues?

Yes, and you do not need an exemption. Crop residues that are ploughed in are not considered waste as long as they are used on the farm that produced them.

#### 24. When do I need to register a composting exemption?

If you are using organic materials, produced on the farm they are used on, as part of the farming process (e.g. ploughing in crop residues) then these are not considered wastes. If, however, these materials are deliberately & actively composted rather than just leaving the organic matter in a pile then it becomes a waste management activity, which can be covered by registering an exemption (13). If the composted material consists only of agricultural waste then you have 12 months from the date of the regulations to register this exemption. If you take in waste from another, non-agricultural, source you will need to register immediately to compost that material.

#### 25. What is 'secure storage'?

A secure container or place means that reasonable precautions are taken to ensure that the waste kept in it cannot escape and members of the public cannot have access to that waste.

#### 26. Should I separate my waste types?

If you separate your waste it will make it easier to manage and may save you money. It is important that you separate your hazardous waste from non-hazardous waste otherwise all your waste will be considered hazardous.

**27. What is 'beneficial use of waste'?**

You must only use what is needed for the activity. The waste being used must not need further treatment before it is reused or the activity will be considered disposal. For example using waste as animal bedding or the use of tyres on a silage clamp can be considered beneficial use of waste.

**28. Can I use my waste tyres on my farm?**

You may be able to use old tyres from your agricultural vehicles as part of your farming activities such as using them on a silage clamp otherwise they will need to be disposed of by a licensed contractor.

**29. Are ditch cleanings waste?**

Yes, but there is an exemption that covers them. These wastes can be spread along the bank of the ditch under an exemption. They can be spread elsewhere but you will need to register another exemption. Please refer to Exemptions 25 or 9 on the form.

**30. Do I need an exemption for spreading waste milk?**

Yes, you need to register an exemption to spread dilute waste milk onto land for benefit. The milk must only be spread where ground conditions are suitable and the needs of the soil or crop can be demonstrated. Please refer to Exemption 47A on the form.

**31. Can I burn wood waste?**

**Natural** wood wastes such as hedge trimmings, tree prunings, bark, **untreated** timber products (e.g. fence posts, sawdust, wood shavings) and other plant matter can be burnt in the open on the farm, once you have registered (Exemption 30). You can burn up to 10 tonnes in any 24 hours.

**32. Cleaning of containers**

Cleaning your own containers such as pesticide containers and seed bags as part of your normal activities, for easier storage, or future disposal is not a waste management activity.

**33. Can I use a neighbour's farm to spread materials allowed under Exemptions 9 or construct a road under Exemption 19?**

Yes, you can spread the materials allowed under the exemptions on another agricultural premises as long as they have registered for the relevant exemption. The premises where the material is spread (disposed) needs to hold the exemption and must comply with the conditions. There is also Exemption 10 which allows use of specific wastes for land reclamation improvement of land. This is a complicated exemption which will rarely apply to agricultural waste. If you want further information on this exemption please contact us.

**34. Can I use waste concrete and bricks to mend my farm track?**

Yes, you can register Exemption 19 to use waste concrete, bricks, tiles, soil and stones from any agricultural premises, to carry out construction and repairs. You can not use materials from non-agricultural premises unless you register a separate non-agricultural exemption.

**35. Vegetable processing waste**

Waste from vegetable pack houses are not considered to be agricultural waste as they are from an industrial process. If you wish to spread waste from vegetable processing it may be carried out under Exemption 9 but you will need to register using the non-agricultural waste exemption form and you will have to pay a fee.

**36. Is my manure and slurry a waste?**

As long as the manure and slurry is **used as a fertiliser** on agricultural land then it **will not be a waste**.

As it is not a waste you do not need to register any exemptions to spread it on your own premises or another agricultural premises as a fertiliser. However other legal controls such as the NVZ Action Programme, Water Resources Act and the Groundwater Regulations still need to be complied with. The Code of Good Agricultural Practice (COGAP) provides specific advice on spreading manures and slurries.

You do not need an exemption to import farmyard manure and slurry if it is to be used as a fertiliser.

**Hazardous Waste****37. What about hazardous waste?**

Hazardous waste produced on agricultural premises will be excluded from the Hazardous Waste Regulations (Northern Ireland) 2005 for a period of 12 months after the agricultural waste rules came in on the 31<sup>st</sup> July 2006. This means that farmers will not need to register as hazardous waste producers or use consignment notes until this 12 month transitional period has passed. But during that period you will need to observe the Duty of Care when taking hazardous wastes off farm.

Once the transitional period of one year has passed then the Hazardous Waste Regulations (Northern Ireland) 2005 will apply to agriculture as they do to other business sectors. Please contact us on (028) 9025 1935 for more information on hazardous waste, limits and charges.

**38. What are hazardous wastes?**

Typical examples of hazardous waste produced on farms include: asbestos (all types), oils, lead acid batteries, antifreeze, fluorescent light tubes and agrochemical concentrates.

## **Incinerators**

### **39. What is an exempt waste incinerator?**

Exempt incinerators are small incinerators designed to burn waste at a rate of less than 50kg/hour. Many small incinerators do not have measures to control the smoke or gases that are released when wastes are burned in them. You need to be very careful about what wastes you burn in them. Plastics, tyres, polystyrene, used paint tins and used aerosol canisters are **not** suitable wastes. Small incinerators that release dark smoke, odours or harmful gases cannot be exempt.

Drum incinerators used to burn polyethylene pesticide containers cannot be exempt for the same reason. However, you are able to use your drum incinerators for burning rinsed polyethylene pesticide containers during the first year after the new rules come into force 31/07/2006 - 31/07/2007.

Small carcass incinerators are exempt from the new regulations but should only be used to burn small animal carcasses.

### **40. In Exemption 7 it talks about appliances with a 'net rated thermal input of less than 0.4MW' (400kW) – what does this mean?**

The net rated thermal input is the maximum rate that fuel can be burned in an appliance continuously. It is calculated by multiplying the maximum burning rate by the calorific values of the waste.

If the manufacturer's details do not specify the rated input of your appliance, it can be easier to compare it to an appliance with a known capacity. For example an average domestic wood burning stove has a rating of 8kW, so it is 1/50<sup>th</sup> of the maximum permitted capacity.

## **Habitats**

### **41. What are ASSIs, cSACs, SACs, SPAs, a Ramsar and AONBs?**

#### **i. Designated sites under the Habitats Directive**

Under the Habitats Directive we must consider the impacts of your activity on the following sensitive sites:

- Special Protection Area (SPA) or Potential Special Protection Area (pSPA) – these are designated sites of European importance for birds
- Special Area of Conservation (SAC) or Candidate Special Area of Conservation (cSAC) – these are designated sites or areas for species and habitats of European importance (excluding birds)
- Ramsar - Ramsar sites are designated under the International Convention on Wetlands of International importance especially as Waterfowl Habitat (the Ramsar Convention).

You must tell us if your land is within 250 metres of a designated conservation site when asked.

#### **ii. Other protected sites**

There may be other sites that are sensitive that are covered by the Environment (Northern Ireland) Order 2002:

- Areas of Special Scientific Interest (ASSI) – A designated site for wildlife or geology of national importance
- Areas of Outstanding Natural Beauty (AONB) - a precious landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them
- Non-statutory Local Authority designated sites e.g. Biological Heritage sites.

You must tell us if your land is within 250 metres of a designated site when asked.

#### **iii. Where to find information on these sites**

You can access maps of these sites on EHS website: [www.ehsni.gov.uk/natural/designated/area-interest.shtml](http://www.ehsni.gov.uk/natural/designated/area-interest.shtml)

For further information Tel. (028) 9054 6556

### **42. Will my activity have a 'significant effect' on a habitat?**

You must look at how your activity will impact on the surrounding area by looking at what emissions it will produce. Emissions are effects to air, water or land caused by an activity e.g. noise from lorries moving impacting on birds nesting or dust from a construction site becoming airborne. If your activity does not have any emissions or those emissions are negligible or less than background levels then it is unlikely that it will cause a significant effect.

### **43. Exemption 9 and 19**

We strongly recommend that you keep plans of the land areas used under Exemptions 9 and 19. You may be asked exactly where the spreading or activity took place during an inspection.



## Environment & Heritage Service

[www.ehsni.gov.uk](http://www.ehsni.gov.uk)

*Our aim is to protect, conserve and promote the natural and built environment for the benefit of present and future generations.*

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