

**EASR Regulatory Position Statement - Low Risk Waste Activities**

Version 1 – November 2025

**WAS-PS-07**

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## Introduction

This document sets out various waste management activities that are considered regulated activities under the Environmental Authorisations (Scotland) Regulations 2018. Due to their low-risk nature, SEPA will not take enforcement action when these waste management activities are carried out without a permit, registration or notification, so long as they are carried out in accordance with the conditions contained in this Regulatory Position Statement (RPS).

The Low-Risk Waste Activities in this document cover two categories of waste management activity:

* The management of waste at the site of production.
* The direct use of waste for a specified purpose.

If an activity has been carried on is being carried on in breach of any of the associated conditions, or has caused, is causing or likely to cause environmental harm, SEPA may take enforcement action in accordance with its Enforcement Policy and Guidance against the person who has carried on or is carrying on the activity or is in control of or has been in control of the carrying on of the activity.

Any person carrying out a Low Risk Waste Activity (LRWA) should comply with the requirements. Further guidance on these obligations is available in the statutory [Duty of Care Code of Practice](https://www.gov.scot/publications/duty-care-code-practice/). Any person transporting waste must be authorised to transport waste.

## Voluntary Litter Collections

Litter collection or beach clean campaigns and events take place regularly, often run by volunteers who collect litter and store it prior to collection by a Local Authority.

### LRWA 1 - Temporary storage of waste (litter) prior to collection

Conditions:

* Waste must have been collected as part of a volunteer litter collection.
* Waste must be stored securely so that it cannot escape.
* Waste must be stored at a place agreed with the Local Authority or other authorised waste collector.
* Waste must not be stored for more than 5 days prior to collection.

## Campfires and Bonfires

Waste wood may be burned in the open during community events such as Guy Fawkes’ bonfires and Scout and Guide campfires. Waste wood must not be burned in the open at waste management facilities.

### LRWA 2 - Burning waste wood on campfires and bonfires

Conditions:

* Only burn visibly clean waste wood - this excludes waste wood that has been painted or treated with chemical wood preservatives.
* Only burn card and paper in quantities necessary to start the fire.
* The size and location of the bonfire or campfire must be appropriate for the event.

## Construction & infrastructure activities

The storage and treatment of waste is common at construction sites and during site maintenance works.

### LRWA 3 - Treating asphalt road planings in a milling machine

Waste asphalt may be milled during a road maintenance project as it is excavated. Milled waste asphalt is suitable for recycling in accordance with SEPA’s guidance on asphalt road planings.

Conditions:

* Treatment must occur at the place where the waste asphalt was produced.

### LRWA 4 - Screening waste soil to remove vegetation, wood, rubble

Waste soil may be screened on a construction or demolition site to remove non-soil items before use on site or transferring the soil off site for recovery or disposal.

* Treatment must occur at the place where the waste was produced.

### LRWA 5 - Cutting, chipping, and shredding waste plant matter and using the mulch

Waste plant matter may be treated at the place where it is produced to make it easier to transport or to produce mulch for use at the place of production. Further, in forestry maintenance work brash may be cut, chipped or shredded and left on the ground at the place where it is produced.

Conditions:

* Treatment must occur at the place where the waste plant matter or brash was produced.

### LRWA 6 – Burying invasive non-native plants

Japanese knotweed and other invasive non-native plants and the soils that they are growing in can be buried on the site where they were growing.

Conditions:

#### Burying plant material that is not Japanese Knotweed

* Only bury plant material that is an invasive non-native plant species from aquatic, riparian and wetland habitats.
* Only bury plant material on the site where it was growing.
* Soils containing seeds, rhizomes, corms or fragments of plant that could regrow must be buried at a minimum depth of 2 metres.

#### Burying Japanese Knotweed

* Only bury Japanese knotweed plant material, the ash from burning it and any soils potentially containing Japanese knotweed plant material on the site where it was growing.
* Japanese knotweed materials must be buried at a depth of at least:
	+ 5 metres if not sealed with a geotextile membrane.
	+ 2 metres if sealed with a geotextile membrane.
* Where a geotextile membrane is used it must be:
	+ Undamaged.
	+ Large enough to minimise the need to join and seal it.
	+ Sealed securely.
	+ Designed to remain intact for at least 50 years.
	+ UV resistant.

### LRWA 7 - Burning less than 10 tonnes per day of clean plant matter waste and untreated waste wood in the open

Clean plant matter waste and untreated wood waste can be burned in the open at the place where it was produced.

Conditions:

* Only the wastes listed in Table 1 below may be burned.
* No more than 10 tonnes of waste may be burnt in a 24 hour period.
* Waste must not be brought from another place for burning.

Table 1

|  |  |
| --- | --- |
| **Waste Code** | **Waste Description** |
| 02 01 03, 02 01 07, 20 02 01 | Plant tissue. |
| 03 01 05 | Sawdust, shavings and cutting from untreated wood only. |
| 03 03 01 | Waste bark and wood. |

### LRWA 8 - Burning waste trees, plants and associated packaging when a Plant Health Notice has been issued, to prevent the spread of plant diseases

Conditions:

* Only burn waste where required under a Plant Health Notice
* Burning must only take place at the site where the waste is produced or at the dock where the waste is unloaded
* When waste is burned at a dock, it must be burned on a hard standing.
* No more than 15 tonnes of waste may be burned in a 24 hour period

### LRWA 9 - Depositing non-hazardous waste dredging materials from inland waters, or sustainable urban drainage systems, on land near to where the dredging takes place

Conditions:

* Waste must be produced by a dredging activity that is authorised by General Binding Rule (GBR), Registration or Permit.
* Waste must be deposited at the same site where it was produced.
* Waste must not be left on the banks such that its placement heightens the banks of any river, burn, ditch or loch.
* Large items, litter, or fly-tipped waste must be removed from the dredged materials and transported to a suitably authorised site by a registered transporter of waste.

## Agricultural activities

### LRWA 10 - Using waste tyres as weight on cover sheeting in silage systems

Conditions:

* No more than 40 tonnes of waste tyres may be stored and used at any one time.

### LRWA 11 - Using waste for animal bedding

Waste can be used as a substitute for straw in animal bedding systems.

Conditions:

* The waste must consist of woodchip, sawdust, and shavings from Grade A recycled wood, de-inked paper sludge (paper crumb) or oversize composted green waste.
* The waste must not require treatment before being used.
* No more than 100 tonnes of waste may be stored and used for animal bedding at any one time.

### LWRA 12 – Burying poisoned rodent carcasses on farmland

To limit the risk of secondary poisoning, rodent carcasses can be buried on farmland.

Conditions:

* Burial pits must be located 10m away from a watercourse or field drain, and 50m away from a spring, well or borehole.
* Carcasses must be buried at a minimum depth of 1 metre.
* No more than 10 carcasses may be buried in each pit.

### LWRA 13 - Using ash from the incineration of pig or poultry carcasses on land

Conditions:

* The ash must be used at the same farm on which it was produced
* The ash must be mixed with manure or slurry before being applied to land
* No more than 150kg of ash per hectare must be used in any 12-month period

### LWRA 14 - Treating waste organophosphate sheep dip prior to disposal to land

Waste organophosphate sheep dip can be treated prior to disposal to land.

Conditions:

* Treatment must be at the place the waste sheep dip was produced or at the place it will be disposed of.
* The disposal of the waste sheep dip must be carried out in accordance with a Permit.

### LWRA 15 – Disposing of pesticide solutions or washings in a lined biobed on land

Conditions:

* No more than 8000 litres of pesticide solution or washings is disposed of in any 12-month period.
* No more than 1500 litres of pesticide solution or washings stored at any one time.
* The biobed material must be stored for at least 12 months prior to spreading on land.
* The spreading of the biobed material to land must result in soil improvement.
* No more than 10 tonnes of biobed material stored at any one time.
* No pesticide solution or washings or biobed material stored for longer than 3 years.

## Composting & Anaerobic Digestion

### LRWA 16 - Composting biodegradable waste or manure in open systems, and use of the compost, at the place the waste or manure was produced, e.g., at farms, liveries, schools, parks, golf courses, nature reserves.

Conditions:

* Only the waste types listed in Table 2 may be composted.
* Waste containing animal faeces, urine or manure must be composted on an impermeable surface with sealed drainage.
* The spreading of the composted material to land must result in soil improvement.

Table 2

|  |  |
| --- | --- |
| **EWC Code** | **Waste description** |
| 02 01 03 | Plant tissue waste. |
| 02 01 06 | Animal faeces, urine, and manure (including spoiled straw). |
| 02 01 07 | Wastes from forestry. |
| 03 01 01 | Waste bark and cork. |
| 15 01 01  | Paper and carboard packaging. |
| 20 01 01 | Paper and cardboard. |
| 20 02 01 | Biodegradable waste from gardens and park wastes. |

### LRWA 17 - Composting less than, or equal to, 1 tonne of waste, including Animal By-Product food waste (i.e., mixed food waste) per day in an enclosed system. For example, at a hotel, hospital, college campus, or market.

Conditions:

* Only waste listed in Table 3 may be composted.
* Waste must be composted in a vessel, in a sealed building or by some other process equally effective to produce a wholly contained and controlled environment.

Table 3

|  |  |
| --- | --- |
| **EWC Code** | **Waste description** |
| 20 01 08 | Biodegradable kitchen and canteen waste. |
| 02 01 03, 02 01 07, 17 05 06, 20 02 01 | Plant tissue waste. |
| 02 01 99 | Fully biodegradable animal bedding. |
| 20 01 01 | Paper and cardboard. |
| 20 01 08 | Biodegradable kitchen and canteen waste. |
| 20 03 02 | Biodegradable waste from markets only. |

### LRWA 18 - Anaerobic digestion of less than, or equal to, 1 tonne of waste including Animal By-Product food waste at any one time in an enclosed system.

Conditions:

* Only waste listed in Table 4 may be treated by anaerobic digestion in the enclosed system.
* Gas produced from anaerobic digestion must be collected and used.

Table 4

|  |  |
| --- | --- |
| **EWC Code** | **Waste description** |
| 02 01 03, 02 01 07, 17 05 06, 20 02 01 | Plant tissue waste. |
| 02 01 06 | Horse and farmyard manure only. |
| 02 01 99 | Fully biodegradable animal bedding. |
| 02 02 02 | Animal tissue waste. |
| 02 05 01, 02 06 01 | Materials unsuitable for consumption or processing. |
| 20 01 08 | Biodegradable kitchen and canteen waste. |
| 20 03 02 | Biodegradable waste from markets only. |

## Healthcare Waste

### LRWA 19 – Storing, sorting and denaturing waste controlled drugs at a pharmacy or veterinary surgery

Waste controlled drugs produced at or brought to a pharmacy or veterinary surgery may be required to be denatured before disposal.

Conditions:

* The person storing, sorting and denaturing the controlled drugs must be an authorised person under the [Misuse of Drugs Regulations 2001](https://www.legislation.gov.uk/uksi/2001/3998/contents/made).
* The waste controlled drugs must be coded:
	+ 18 01 09 – medicines from natal care, diagnosis, treatment or prevention of disease in humans.
	+ 18 02 08 – medicines from research, diagnosis, treatment or prevention of disease involving animals.
	+ 20 01 32 – medicines separately collected as household waste.
* No more than one cubic metre of waste controlled drugs can be stored, sorted or denatured at any one time.
* Waste controlled drugs must not be stored for more than 6 months.

## Energy

### LRWA 20 - Burning waste biomass as a fuel in a small appliance

Clean biomass waste can be used to produce heat in small boilers.

Conditions:

* No more than 50kg of waste can be burned in 1 hour.
* Only burn the waste types listed in Table 5.
* Treated wood waste such as painted or stained pallets or door frames must not be burnt.

Table 5

|  |  |
| --- | --- |
| **EWC Code** | **Waste description** |
| 02 01 03, 20 02 01 | Plant tissue waste. |
| 02 01 07, 17 02 01 | Untreated wood only. |
| 02 03 04 | Vegetable waste unsuitable for consumption or processing.  |
| 03 01 01 | Waste bark and cork. |
| 03 01 05 | Untreated sawdust and wood shavings. |
| 03 03 10  | Fibre reject (fibrous vegetable waste from virgin pulp preparation or paper pulp production) only. |
| 15 01 03 | Untreated wooden packaging only. |

## Other

### LRWA 21 - Storing ship waste in suitable containers at a harbour

Conditions:

* Waste must be stored in a waste reception facility within a harbour area in accordance with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003.
* Waste must not be stored for more than 7 days.

### LWRA 22 – Storing and processing samples of waste at a laboratory

Conditions:

* Only waste that is to be analysed can be stored.
* No more than 10 tonnes of waste can be stored.

### LRWA 23 - Using waste for entertainment or educational purposes

Conditions:

* No more than 10 tonnes of waste can be stored or used at any one time.
* The waste must be suitable for the project.

### LRWA 24 - Emergency services and armed forces using waste motor vehicles

The emergency services and armed forces can use waste motor vehicles (WMVs) and other wastes for training exercises, teaching and public awareness displays.

Uses may include, for example, cutting or burning WMVs (or both), locating and disarming hidden explosives, discharging firearms or creating fire investigation scenes.

Conditions:

* WMVs must be sourced from an authorised treatment facility (ATF), a local authority or other authorised waste management company.
* WMVs containing ozone depleting substances or fluorinated gases, for example air conditioning gases, must not be used.
* WMVs that have not been depolluted must be stored on an impermeable pavement with a sealed drainage system.
* The WMV, or any waste arising from it, must be returned to an ATF or regulated waste facility as soon as is practicable after use.

### LRWA 25 - Using waste in creative installations

Creative installations could include projects like:

* Creating a sculpture from metal during an art class.
* Building a theatrical set using recycled wood and bricks.
* Making a greenhouse out of plastic bottles

Conditions:

* No more than 10 tonnes of waste can be stored or used at any one time.
* The waste must be suitable for the project.

The terms of these Low Risk Waste Activities may be subject to periodical review and be changed or withdrawn at any time. SEPA reserves its discretion to depart from these activities and to take appropriate action as necessary.